



# Kitsap County Department of Community Development

## Staff Report and Recommendation Update to Kitsap County Code to Amend Regulations for High-Risk Secured Facilities

<b>Report Date</b>	4/9/2019, updated 5/6/19
<b>Hearing Date</b>	5/14/2019
<b>Description</b>	<p>This Kitsap County Code update replaces Interim Zoning Ordinance 566-2019 adopted on February 6, 2019, which regulates Group Residential Facilities – Secured High-Risk, hereafter referred to as High-Risk Secured Facilities. A High-Risk Secured Facility provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for a person who is found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include:</p> <ul style="list-style-type: none"> <li>A. Secure Community Transition Facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or</li> <li>B. Nursing homes, assisted living facilities, or adult family homes that become licensed as enhanced services facilities as described in RCW 70.97.060(4).</li> </ul>
<b>Geographic Area Affected</b>	Commercial, Regional Center, Business Center, Business Park, and Industrial zones located in unincorporated Kitsap County
<b>SEPA</b>	Determination of Non-Significance
<b>Department Recommendation</b>	Recommend approval as proposed

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered, this staff report will be revised and the department recommendation may change.

### Revision History

<u>No.</u>	<u>Date</u>	<u>Description</u>
1	5/6/2019	Incorporates the State Environmental Policy Act (SEPA) review checklist and threshold Determination of Non-Significance, three other alternatives

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considered by the Department, and an update regarding coordination with local cities.

## 1. Background

The Department of Community Development conducted a review of Chapter 17, Zoning, of the Kitsap County Code and determined that the County did not define or regulate the placement of High-Risk Secured Facilities. A High-Risk Secured Facility provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for a person that is civilly-committed to a less restrictive alternative (LRA) as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include:

- A. Secure Community Transition Facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or
- B. Nursing homes, assisted living facilities, or adult family homes that become licensed as enhanced services facilities as described in RCW 70.97.060(4).

On February 6, 2019 the Board of County Commissioners adopted interim zoning regulations to ensure public awareness and participation in the permit review process, neighborhood compatibility, and safety of both the residents of a facility, as well as the neighbors, when considering the placement of a High-Risk Secured Facility. This code amendment proposes to replace the interim zoning regulations.

### Civil Commitment and the Use of Less Restrictive Alternatives (LRAs) in Washington State

In 1990, Washington State became the first state to pass a law authorizing indefinite civil commitment of individuals found by the court to be a Sexually Violent Predator (SVPs) or pose a likelihood of serious harm to others. These individuals have fulfilled their sentence but have been found to suffer from a mental abnormality or personality disorder which makes the individual likely to reoffend if not confined in a secure facility. Initially, persons committed under the law were housed in a wing of the Twin Rivers Correctional Center in Monroe, Washington or detained at the Special Commitment Center (SCC) on McNeil Island in Pierce County. A civil rights lawsuit was filed in the Federal District Court for Western Washington in 1991 alleging violations of the constitutional rights of individuals civilly committed under the law. In 1994, the court entered an order and injunction requiring the SCC to provide residents with constitutionally adequate mental health treatment and that the lack of less restrictive alternative (LRA) housing options limited individuals' opportunity to demonstrate their reduced risk and ordered the state to explore alternatives to total confinement.

In 2002, the Washington State Legislature adopted regulations that preempt and supersede local laws and regulations and grant authority to the State to site Secure Community Transition Facilities (SCTF) (RCW 71.09.342). A SCTF is a State-operated facility that provides mental health treatment for SVPs as an alternative to total confinement (RCW

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71.09.020(15)). SCTFs are considered an Essential Public Facility and cities and counties subject to the requirements of the Growth Management Act must plan for these facilities (RCW 36.70A.200). The State established a SCTF on McNeil Island and the Washington State Department of Social and Health Services (DSHS) entered a long-term lease for a Seattle-area building to establish a second SCTF. In addition to the creation of two SCTFs, the civil commitment laws were changed to require an annual examination of civilly committed individuals to determine,

- whether they still meet the definition of a SVP; and
- whether conditional release to a community-based LRA is in the best interest of the person and conditions can be imposed that would adequately protect the community (RCW 71.09.070).

A community-based LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a SCTF or total confinement facility. According to DSHS, a community-based LRA is not the same as a SCTF, and therefore not considered an Essential Public Facility as defined in state law. The use of a facility as a community-based LRA is first reviewed by DSHS and the Washington State Department of Corrections (DOC). Final approval and placement within a community-based LRA is approved by Superior Court. The proposed amendment would establish local regulations that must be reviewed by DSHS and DOC prior to Superior Court approving a placement in a community-based LRA. For the purpose of this amendment a High-Risk Secured Facility is considered a community-based LRA.

#### A. Authority

The Kitsap County Board of County Commissioners adopted Interim Zoning Ordinance 566-2019 to regulate High-Risk Secured Facilities. The Growth Management Act (GMA), Chapter 36.70A RCW, provides that each jurisdiction's comprehensive land use plan and development regulations shall be subject to continuing review and evaluation. The Board has the authority to adopt interim zoning regulations to protect public health and safety pursuant to RCW 36.70A.390 and RCW 36.70.795. On February 6, 2019 the Board adopted interim zoning regulations. On March 25, 2019, the Board held a public hearing to receive feedback on the interim zoning regulations (Attachment E). Public comment received has helped shape the final draft code for the Board, Planning Commission, and public to consider over the next few months. Under state law, a final ordinance must be adopted by August 6, 2019, unless the Board adopts a work plan to extend the deadline (RCW 36.70A.390 and RCW 36.70.795).

In addition to the requirements in state law, Kitsap County Code amendments must also consider:

- Whether the proposed amendments are consistent with and supports other plan elements and or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;

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- Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals and policies of the Comprehensive Plan;
- Whether the proposed amendment is consistent with the Kitsap Countywide Planning Policies; and
- Whether the proposed amendment complies with the requirements of the GMA.

B. Proposed Amendment

The proposed amendment (Attachment A) will replace Interim Zoning Ordinance 566-2019 (Attachment B) adopted by the Board on February 6, 2019. The proposed amendment includes the following:

- Section 2, on Page 1 in Attachment A, adds a new definition for High-Risk Secured Facilities to Section 17.110.335 KCC.
- Section 3, on Page 2 in Attachment A:
  - lists the facility as categorical use 127 in the allowed use table found in Section 17.410.044 KCC;
  - allows the use to be proposed within urban growth areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones (see the location of the proposed zones in Attachment C); and
  - requires a Conditional Use Permit (CUP) and a public hearing before the County's Hearing Examiner.
- Section 4, on Page 19 in Attachment A, adds special provisions to Section 17.410.060 KCC that require:
  - the County shall mail community notification to the school district and all landowners within a half mile radius of a proposed facility and hold a neighborhood meeting prior to the public hearing before the County's Hearing Examiner. The cost of community notification and a neighborhood meeting shall be at the cost of the applicant.
  - a facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
    - Risk potential activities and facilities include: 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 other specific uses identified during a public hearing. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.
  - a facility shall not be located within 880-feet of the facilities and grounds of a public or private school.



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- a facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents;
- principle access to the site shall be from a county-maintained right-of-way;
- a facility shall be equipped with:
  - an automatic fire sprinkler system, installed in accordance with applicable building and fire codes;
  - a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency; and
  - a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.
- Section 5, on Page 20 in Attachment A, clarifies in Section 21.04.130 KCC that certain proposed uses, such as High-Risk Secured Facilities, require a neighborhood meeting.

#### C. Geographic Description

The proposed amendment would allow a High-Risk Secured Facility to be proposed in Urban Growth Areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones (see the location of the proposed zones in Attachment C).

## 2. Department Recommendation

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
  - as proposed above
  - as described in Alternative \_\_\_ below
  - with revisions described below
  - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

#### A. Rational

The interim zoning ordinance adopted on February 6, 2019 included temporary provisions that regulate High-Risk Secured Facilities. The County has six months to adopt the proposed amendment to replace the temporary provisions. The proposed amendment will ensure public awareness and participation in the permit review process, neighborhood compatibility and safety of both the residents of a facility, as

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well as the neighbors, when considering the placement of a High-Risk Secured Facility in unincorporated Kitsap County.

The 2016 Kitsap County Comprehensive Plan (Land Use and Housing and Human Services Chapters) includes three goals and four policies applicable to High-Risk Secured Facilities. The proposal implements and is consistent with the following Comprehensive Plan goals and policies:

**Land Use Goal 4. Coordinate with other jurisdictions, tribal governments, agencies, special districts, and property owners to ensure coordinated and compatible land use planning and utilize Urban Growth Area Management Agreements with cities, as feasible.**

Land Use Policy 21. Coordinate with service providers, agencies, local jurisdictions, County departments and the public, to ensure appropriate zoning.

**Land Use Goal 13: Protect Kitsap County's unique rural character.**

Land Use Policy 50. Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 53. Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.

**Housing and Human Services Goal 4. Ensure that all people have fair and equal access to housing and services.**

Housing, Human Services Policy 11. 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 resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

The proposal ensures coordinated and compatible land use planning with other jurisdictions, tribal governments, agencies, special districts, and property owners by:

- requiring community notification to be sent when a facility is proposed to all landowners within one half mile to allow for public awareness and comment during the permit review process;
- requiring a neighborhood meeting prior to the County processing a permit application for a proposed facility;

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- requiring a conditional use permit and public hearing before the County's Hearing Examiner to ensure neighborhood compatibility and safety when considering the placement of a High-Risk Secured Facility; and
- allowing High-Risk Secured Facilities to be proposed in urban commercial and industrial zones which is consistent with other surrounding jurisdictions.

The proposal protects Kitsap County's rural character by:

- requiring a High-Risk Secured Facility to be located in urban growth areas that can provide the necessary urban levels of service.
- requiring a High-Risk Secured Facility to be accessed by a County-maintained road, reducing impacts on private easement roads and ensuring appropriate emergency vehicle access.
- directing High-Risk Secured Facilities away from rural areas, thereby reducing the potential risk of intensifying rural areas.

The proposal ensures that all people have fair and equal access to housing and services by:

- incorporating a definition, siting and safety requires, and standards for permit review that allow High-Risk Secured Facilities to be proposed in unincorporated Kitsap County.
- ensuring the safety of residents of a facility by requiring an automatic fire sprinkler system, installed in accordance with applicable building and fire codes, a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency, and a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

For the previously mentioned reasons, the proposed amendments satisfy the criteria of KCC 21.08.100 and is consistent with and implements the identified Comprehensive Plan goals and policies.

### 3. Other Alternatives Considered

The Department considered three alternatives during the development of the proposed amendments. The Department does not recommend the other alternatives considered because they may not be fully compliant with state law.

#### 1. Restrict siting of a facility within 880 feet of an existing residential property

The City of Bremerton is proposing to amend their municipal code to prohibit the siting of a high-risk secured facility within 880-feet of an existing residential property. The Department reviewed this alternative and found no basis for the 880-foot distance. It also precludes the siting of a high-risk secured facility in most zones

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across unincorporated Kitsap County. For these reasons, the Department is not recommending this alternative.

2. Restrict siting of a facility that abuts an existing residential property

The County received several public comments about allowing a high-risk secured facility in the proposed zones within areas that have a high concentration of residential properties. For example, there are areas within the Commercial and Industrial zones that have established residential neighborhoods that public comments state may not be compatible with the siting of a high-risk secured facility. The Department explored adding the following siting requirement to Section 17.410.060, Provisions applying to special uses, to restrict siting of a facility that abuts an existing residential property:

- A high-risk secured facility shall not be permitted if more than 60% of the land base abutting the site contains an existing residential use.
  - For this section, land base is calculated by taking the total acreage of the proposed site and abutting parcels and dividing it by the total acreage that contains an existing residential use.

The Department reviewed this alternative and found it would likely not fully address the concerns raised by interested parties. While, this proposed alternative does not fully preclude the siting of a high-risk secured facility in the allowed zones, it does greatly restrict the locations available. The Department believes that the draft code presented by the Department (Attachment A) would better address concerns with incompatibility while still providing adequate space for the location of these facilities. The Department is not recommending this proposed alternative but included it for the Planning Commission's consideration to be responsive to public comment.

3. Establish a threshold to determine neighborhood compatibility and safety

According to the court records establishing conditions for placement in a high-risk secured facility, the GPS devices used to monitor the location of occupants can be programed with what is referred to as an "inclusion zone". An inclusion zone is set to a fixed location, such as a physical address, and it is typically set at a 600-foot radius around that location. If an occupant stays within the inclusion zone, the Department of Corrections cannot say with any reasonable amount of certainty that the occupant is at the facility or a nearby house. To ensure neighborhood compatibility and safety the Department explored adding the following siting requirement to Section 17.410.060, Provisions applying to special uses:

- A high-risk secured facility shall not be permitted if 60% of the land base within 600-feet of a proposed site contains an existing residential use.

- For this section, land base is calculated by taking the total acreage of the proposed site and abutting parcels and dividing it by the total acreage that contains an existing residential use.

The Department reviewed this alternative and found it will likely address the concerns raised by interested parties but may not be fully consistent with state law. This proposed alternative does not fully preclude the siting of a high-risk secured facility in the allowed zones but does further restrict the potential locations. The Department believes that the draft code presented by the Department (Attachment A) would better address concerns with incompatibility while still providing adequate locations for the siting of these facilities. The Department is not recommending this proposed alternative but included it for the Planning Commission's consideration to be responsive to public comment.

#### 4. Analysis

##### A. Definition, Allowed Zones, and Permit Review Process

The proposed definition for High-Risk Secured Facilities is based on a review of state law and a comparison of similar land uses allowed in surrounding jurisdictions (Attachment D). The Department found the City of Bremerton, City of Port Orchard, and City of Bainbridge Island define similar uses, but at the time of review the City of Poulsbo did not regulate High-Risk Secured Facilities within their municipal code. All three counties reviewed (Snohomish, King, and Pierce) currently have land use definitions that regulate High-Risk Secured Facilities.

The zones that allow High-Risk Secured Facilities vary across the surrounding jurisdictions. The proposed amendment would allow High-Risk Secured Facilities in the urban Commercial, Regional Center, Business Center, Business Park, and Industrial zones in unincorporated Kitsap County. This is consistent with the zones that permit similar uses in the City of Bremerton and City of Port Orchard.

Prior to processing a permit application for a High-Risk Secured Facility, the proposed amendment requires the County to send notification to the school district and all landowners within one half mile of a proposed facility. The notification distance was selected because it is consistent with the Sheriff's Office community notification distance. The proposed amendment also requires the County to host a neighborhood meeting prior to processing a permit application. The neighborhood meeting provides the opportunity for public awareness and comment during the permit review process. Both of these permit review requirements go beyond what is required by surrounding jurisdictions.

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Most jurisdictions reviewed require a Conditional Use Permit for this type of facility. A conditional use permit review process allows a proposed facility to be evaluated on an individual basis. During the permit review process, conditions beyond what is required in the Kitsap County Code can be required to minimize identified community impacts. If it is determined during the permit review process that a proposed facility will have a detrimental impact on the surrounding area and the impacts cannot be mitigated through reasonable conditions, a permit application may be denied. The proposed amendment requires a Conditional Use Permit process because it helps to ensure neighborhood compatibility and safety requirements are fully considered when siting a High-Risk Secured Facility.

Coordination is on-going with the surrounding cities within Kitsap County to ensure to the greatest extent possible that consistent and compatible zoning requirements are considered or adopted. A meeting with city officials was held on Thursday, April 11, 2019 to review the County's proposed amendment (Attachment A). On April 9, 2019, the City of Port Orchard adopted interim zoning regulations to regulate secured high risk social service facilities. On April 17, 2019, the City of Poulsbo adopted interim zoning regulations to regulated High Risk Secured Facilities. The City of Bainbridge Island did not attend the meeting but requested a copy of the County's proposed amendment. The City of Bremerton did not attend the coordination meeting, but the Department meet with Bremerton officials on April 29, 2019 to discuss the County's interim regulations. The City of Bremerton is proposing an amendment to their municipal code that would restrict the siting of a high-risk secured facility within 880-feet of an existing residential property. A comparison of interim regulations adopted by Kitsap County, the City of Poulsbo, and the City of Port Orchard is in Attachment F. A copy of the City of Bremerton's proposed amendment is available upon request.

#### B. Siting Requirements

State law requires local cities and counties to allow these facilities but provides limited guidance for their placement in local communities. In addition to limiting facilities to certain zones, the proposed amendment requires a facility to be located outside of a community protection zone (RCW 9.94A.030(6)). That is the area located within 880-feet of the facilities and grounds of a public and private schools. The proposed amendment also restricts a facility from being located adjacent to, across the street from, or within the line of sight of risk potential activities and facilities in existence at the time a facility is established. Risk potential activities and facilities include:

- 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 other specific uses identified during a public hearing. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.

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The Department has received several public comments that recommend the distance requirements be increased from schools and other risk potential facilities. However, local cities or counties are not allowed to put in place additional residency restrictions beyond what is allowed in state law (RCW 9.94A.8445).

The proposed amendment also requires a proposed facility to access a county-maintained right-of-way. This limits any potential impact on private easement roads that can be caused by increased traffic from a High-Risk Secured Facility. It also ensures a facility is in an area that is accessible in case of an emergency (for example, areas that will be plowed and accessible to emergency management services in the event of a snow storm or other emergency).

#### C. Safety Requirements

The proposed amendment considers safety impacts to protect both the residents of potential High-Risk Secured Facilities within Kitsap County as well as the neighbors. For example, a facility must be equipped with:

- an automatic fire sprinkler system, installed in accordance with applicable building and fire codes;
- a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency; and
- a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

#### D. State Environmental Policy Act (SEPA)

The Kitsap County SEPA official reviewed the SEPA checklist prepared for this amendment (Attachment G2) and issued a SEPA threshold Determination of Non-Significance (DNS; Attachment G1). The notice of the SEPA threshold determination was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper; and
- Emailed to interested parties.

In accordance with Kitsap County Code (KCC 18.04.210; KCC 21.04.290.E.2) and the SEPA chapter in the Revised Code of Washington (RCW 43.21C.075; RCW 43.21C.080), appeals of this SEPA threshold determination must be filed by within fourteen days of the published notice of determination in Kitsap County Superior Court.

## 5. Public Involvement and Outreach

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Kitsap County's public involvement and outreach in support of this amendment will exceed the requirements of the Growth Management Act (RCW 36.70A) and Kitsap County Code (KCC 21.08).

Public involvement and outreach in support of this amendment has included the following:

- An Online Open House with information about previous, current, and upcoming meetings related to the code amendment process.
- A meeting with local cities to coordinate on the development of the proposed amendment (4/11/19).
- A public comment period (2/25/19 to 4/05/19) and a public hearing by the Kitsap County Board of Commissioners (03/25/2019). A summary of public comment received to date and staff responses is in Attachment E. Notifications and announcements regarding this comment period and public hearing included the following:
  - Legal notice published in the Kitsap Sun newspaper (3/15/19);
  - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
  - Board of County Commissioners meeting (2/25/2019); and
  - Presentations and meetings with Kitsap County advisory groups and community groups.

A new comment period regarding the proposed amendment (Attachment A) began on April 9, 2019 with the release of the initial staff report.

- During this public comment period, the public may learn more about this amendment by:
  - Visiting the Online Open House for information and meeting materials;
  - Attending applicable Planning Commission meetings; or
  - Contacting the staff listed in Section 6 below.
- To be included in the official record, written comments must be submitted to the Department of Community Development before 11:59 PM on Tuesday, May 14, 2019 using one of the following methods:
  - Entered online via computer or mobile device;
  - Emailed to [jawilliams@co.kitsap.wa.us](mailto:jawilliams@co.kitsap.wa.us);
  - Mailed to 614 Division Street – MS-36, Port Orchard, WA 98366; or
  - Dropped off at the Community Development Permit Center at 619 Division Street, Port Orchard, WA; or
- Oral and written testimony may also be made to the Kitsap County Planning Commission at a public hearing scheduled at 5:30 PM on Tuesday, May 14, 2019 in the Commissioner's Chambers on the 3<sup>rd</sup> Floor of the Kitsap County Administration Building (619 Division Street, Port Orchard, WA).
- Notifications and announcements regarding this comment period and public hearing included the following:



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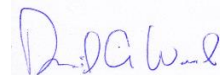
- Legal notice published in the Kitsap Sun newspaper; and
- Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;

Additional public involvement and outreach will occur in June when the Kitsap County Board of Commissioners will be considering the proposed amendment.

## 6. Staff Contact

Report prepared by:

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## Attachments

- A – Draft Code for Planning Commission Review
- B – Interim Zoning Ordinance 566-2019 (available in the 4/16/2019 packet materials or upon request)
- C – Map of Proposed Zones that Allow a High-Risk Secured Facility
- D – Comparison of Allowed Uses by Surrounding Jurisdictions (available in the 4/16/2019 packet materials or upon request)
- E – Summary of Public Comment and Staff Responses as of April 4, 2019 (available in the 4/16/2019 packet materials or upon request)
- F – Comparison of Interim Zoning Regulations by Jurisdiction
- G1 – State Environmental Policy Act (SEPA) Determination
- G2 – State Environmental Policy Act (SEPA) Checklist



**Kitsap County Department of Community Development**

**Draft Code Language for the  
Proposed Amendment to Regulate High-Risk Secured Facilities**

**NEW SECTION. Section 2.** A new section is added to Chapter 17.110 Kitsap County Code, ‘Definitions’, as follows:

**17.110.335 High-Risk Secured Facility**

“High-Risk Secured Facility” means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include:

- A. Secure community transition facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or
- B. Nursing homes, assisted living facilities, or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).

**Section 3.** Kitsap County Code Section 17.410.044 ‘Commercial, industrial, parks, and public facility zones use table’, adopted by Ordinance 550 (2018), is amended as follows:

**17.410.044 Commercial, Industrial, Parks, and Public Facility Zones Use Table**

Comprehensive Plan Land Use Designation	Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
	C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
<b>RESIDENTIAL USES</b>												
100	Accessory dwelling units (1)	--	--	--	--	--	--	--	--	--	--	--
102	Accessory living quarters (1)	--	--	--	--	--	--	--	--	--	--	--
104	Accessory use or structure (1)(51)	P	P(84)	P	P	P	P	P	P	P	--	--
106	Adult family home	ACUP P (41)	ACUP P (41)(84)	ACUP P (41)	-	ACUP P (41)(79)	ACUP P (41)	ACUP P (41)	ACUP P (41)	ACUP P (41)	--	--
108	Bed and breakfast house or vacation rental	--	--	ACUP C (34)	ACUP C (34)	ACUP (79)	ACUP C (34)	--	--	--	--	--



Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Categorical Use													
109	Boarding house (102)	P (99)	P (99)	P (99)	P (99)	P (99)	P (99)	--	--	--	--	ACUP (99)	
110	Caretaker's dwelling	ACUP	ACUP (84)	ACUP	ACUP	ACUP	P	P	P	P	P	P	
112	Convalescent home or congregate care facility (97)	ACUP	ACUP (84)	ACUP	C	ACUP -- (79)	--	--	--	--	--	--	
114	Cottage housing developments	--	--	ACUP	--	--	--	--	--	--	--	--	
116	Dwelling, duplex	--	--	ACUP	P	--	--	--	--	--	--	--	
118	Dwelling, existing	P	P	P	P	P	P	P	P	P	P	--	
120	Dwelling, multifamily	ACUP	ACUP C (85)	ACUP	P	P -- (79)	--	--	--	--	--	--	
122	Dwelling, single-family attached	ACUP	ACUP (84)	P	P	P -- (79)	--	--	--	--	--	--	
124	Dwelling, single-family detached (includes manufactured homes)	--	--	--	P	--	--	--	--	--	--	--	
126	Guest house (1)	--	--	--	--	--	--	--	--	--	--	--	
127	High-Risk Secured Facility (1)	C	C					C	C	C			
128	Home business (1)(53)	--	--	P	ACUP	--	ACUP	--	--	--	--	--	
130	Hotel/motel	P	P (84)	ACUP	C	ACUP -- (79)	--	--	--	--	--	--	
132	Mobile homes	--	--	--(43)	--	--	--	--	--	--	--	--	
134	Residential care facility	ACUP	ACUP (84)	ACUP	--	ACUP -- (79)	--	--	--	--	--	--	
<b>COMMERCIAL/BUSINESS USES</b>													
200	Accessory use or structure (1)(51)	P	P	P	P	P	P	P	P	P	P	P	
202	Adult entertainment (1)	C	C (84)	--	--	--	--	C	--	C	--	--	
204	Ambulance service	P	P (84)	C	C	P	--	P	ACUP	ACUP	--	--	
206	Auction house (55)	P	P (84)	ACUP	--	P	C	ACUP	ACUP	P	C	--	



# Kitsap County Department of Community Development

Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Categorical Use													
208	Auto parts and accessory stores (65)	P	P (84)	--	P	P (83)	C	--	--	--	--	--	
210	Automobile rentals	P	P (61)(84)	P (56)	P (56)	P (83)	--	--	--	--	--	--	
212	Automobile repair and car washes (65)	P	P (84)	--	ACUP (54)	P (83)	C	P (61)	ACUP	P (33)	C	--	
214	Automobile service station (6)	P	P (61)(84)	--	ACUP	P (79)(83)	C	C (33)	C (33)	P (33)	C	--	
216	Automobile, recreational vehicle or boat sales	ACUP	ACUP (84)	--	--	P (83)	--	ACUP (35)	--	ACUP (35)	--	--	
218	Nonmotorized recreation rentals (95)	P	P	P	P	P	P	--	--	--	--	P	
220	Boat/marine supply stores	P	P (84)	--	--	P (83)	C	--	--	--	--	--	
222	Brew pubs	P	P C (85)(87)	ACUP	ACUP	P	--	ACUP (33)	ACUP (33)	ACUP	--	--	
224	Clinic, medical	P	P (87)	ACUP	ACUP	P	--	P	ACUP	C	--	--	
226	Conference center	P	P C (85)	P	--	P	--	--	--	--	--	ACUP	
228	Custom art and craft stores	P	P C (85)(87)	P (54)	P (54)	P	C	--	--	--	--	--	
230	Day-care center (14)	P	P C (85)	P (54)	P (54)	P -- (79)	ACUP	P (33)	P (33)	P (33)	--	ACUP -- (79)	
232	Day-care center, family (14)	P	P (61)(84)	ACUP (54)	ACUP (54)	P -- (79)	--	P (33)(61)	P (33)	--	--	--	
234	Drinking establishments	C	C (87)	ACUP	C	P	C	P (33)	C (33)	--	--	--	
236	Engineering and construction offices	P	P (84)	P (54)	P (54)	P	ACUP	P	P (33)	P (33)	ACUP (72)	--	
238	Espresso stands (58)(72)	P	P (61)(84)	--	P	P	ACUP	P (33)(61)	P (33)	P (33)	ACUP	--	
240	Equipment rentals	P	P (61)(84)	ACUP	--	--	ACUP	P	P	P	ACUP (73)	--	
242	Farm and garden equipment and sales	P	P (61)(84)	--	--	P	ACUP	--	--	--	C	--	
244	Financial, banking, mortgage and title institutions	P	P C (85)(87)	P (54)	P (54)	P	--	P	P (33)	ACUP (33)	--	--	



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Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Categorical Use													
245	Fitness center	P	P	C	--	--	P (100)	P (100)	--	P (100)	P (100)	--	
246	General office and management services – less than 4,000 s.f.	P	P	P	P	P	ACUP	P	P	P (33)	--	--	
248	General office and management services – 4,000 to 9,999 s.f.	P	P (84)	ACUP	ACUP	P	C	P	P	--	--	--	
250	General office and management services – 10,000 s.f. or greater	P	P (84)	ACUP	--	P	--	P	P	--	--	--	
252	General retail merchandise stores – less than 4,000 s.f.	P	P	P	P	P	ACUP	P (33)	P (33)	ACUP (33)	--	--	
254	General retail merchandise stores – 4,000 to 9,999 s.f.	P	P (84)	ACUP	ACUP	P	C	--	--	--	--	--	
256	General retail merchandise stores – 10,000 to 15,000 s.f.	P	P (84)	C	--	--	--	--	--	--	--	--	
258	General retail merchandise stores – 15,001 to 24,999 s.f.	P	P (84)	C	--	--	--	--	--	--	--	--	
260	General retail merchandise stores – 25,000 s.f. or greater	ACUP (62)	ACUP (62)(84)	--	--	ACUP	--	--	--	--	--	--	
262	Kennels or pet day cares (1)	C	C (61)(84)	--	C	C	C	P	ACUP	ACUP	C	--	
264	Kennels, hobby	--	--	P	P	--	--	--	--	--	--	--	
266	Laundromats and laundry services	P	P (84)	P (54)	P (54)	P	--	P (33)	P	ACUP	--	--	
268	Lumber and bulky building material sales	ACUP (42)	ACUP (42)(61)(84)	--	--	ACUP (42)	C	P (61)	--	P	ACUP	--	
270	Mobile home sales	ACUP	ACUP (61)(84)	--	--	--	--	--	--	--	--	--	
272	Nursery, retail	P	P (84)	ACUP	ACUP	P	ACUP	--	--	--	--	--	
274	Nursery, wholesale	P	P (61)(84)	ACUP	ACUP	P	P	--	--	--	P	--	
276	Off-street private parking facilities	P	P C (85)	ACUP	ACUP	--	--	--	--	--	--	--	



Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Categorical Use													
278	Personal services – skin care, massage, manicures, hairdresser/barber (66)	P	P (87)	P (54)	P (54)	P	ACUP (54)	--	--	--	--	--	
280	Pet shop – retail and grooming	P	P (84)	ACUP	ACUP	P	ACUP (54)	--	--	--	--	--	
282	Research laboratory	--	--	--	--	--	--	P	P	P	C	--	
284	Restaurants	P	P ACUP (85)	P (54)	P (54)	P	C	P (33)	C (33)	ACUP (33)	--	--	
286	Restaurants, high-turnover (33)	P	P (63)(84)	ACUP	C	P	--	P	P	P	--	--	
288	Recreational vehicle rental	ACUP	ACUP (61)(84)	--	--	--	--	ACUP (61)	ACUP	ACUP	--	--	
290	Temporary offices and model homes (27)	--	--	--	--	--	--	--	--	--	--	--	
292	Tourism facilities, including outfitter and guide facilities	P	P	P	P	P	ACUP	P	P	ACUP	--	--	
294	Tourism facilities, including seaplane and tour boat terminals	ACUP	ACUP (84)	--	--	--	C	--	--	--	--	--	
296	Transportation terminals	ACUP	ACUP C (85)	C	C	C	--	P	--	ACUP	--	--	
298	Veterinary clinics/animal hospitals	P	P (84)	ACUP	ACUP	P	ACUP	P	ACUP	ACUP	--	--	
<b>RECREATIONAL/CULTURAL USES</b>													
300	Accessory use or structure (1)(51)	P	P	P	P	P	P	P	P	P	P	P	
302	Amusement centers	ACUP (11)	ACUP (11)	C (11)	C	ACUP (11) -- (79)	--	--	--	C (11)	--	ACUP	
304	Carnival or circus	ACUP (11)	ACUP (11)(61)(84)	ACUP (11)	C	ACUP (11) -- (79)	--	--	--	ACUP (11)	--	ACUP	
306	Club, civic or social (12)	P	P ACUP (85)	ACUP	ACUP	P	C	ACUP	--	ACUP	--	ACUP	
308	Golf courses	ACUP	ACUP (61)(84)	ACUP	ACUP	--	--	--	--	--	--	ACUP	



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Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Categorical Use													
310	Marinas	ACUP	ACUP (61)(84)	C	ACUP	--	C	--	--	C	C	ACUP	
312	Movie/performance theaters, indoor	P	P ACUP (85)	P	ACUP	P	--	--	--	--	--	--	
314	Movie/performance theaters, outdoor	C	ACUP	ACUP	--	C	C	C	ACUP	--	--	C	
316	Museum, galleries, aquarium, historic or cultural exhibits (67)	P	P C (85)	P	ACUP	P	C	P	ACUP	--	--	ACUP	
318	Parks and open space	P	P	P	P	P	P	P	P	P	P	P	
392	Race track, major	C	C (61)(84)	--	--	--	--	C (61)	C	C	--	C (12)	
322	Race track, minor	--	--	--	--	--	--	--	--	C	--	C (12)	
324	Recreational facilities, private	ACUP	ACUP	ACUP	ACUP	ACUP	C	P	C	C	--	ACUP	
326	Recreational facilities, public	ACUP	ACUP	ACUP	ACUP	P	ACUP	P	C	C	--	ACUP	
328	Recreational vehicle camping parks	C	--	--	C	--	--	--	--	--	--	ACUP	
330	Zoo	C	C (61)(84)	--	--	C	--	--	--	--	--	--	
<b>INSTITUTIONAL USES</b>													
400	Accessory use or structure (1)(51)	P	P	P	P	P	P	P	P	P	P	P	
402	Government/public structures	ACUP	ACUP	ACUP	ACUP	ACUP	ACUP	P	P	P	C	P	
404	Hospital	ACUP	ACUP (84)	C	--	ACUP	--	C	C	C	--	--	
406	Places of worship (12)	ACUP	ACUP (84)	C	C	ACUP	C	C	--	C	--	--	
408	Private or public schools (20)	ACUP	ACUP	C	C	ACUP	C	P	ACUP	ACUP	C	--	
410	Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	ACUP	ACUP	ACUP	ACUP	ACUP	C	ACUP	ACUP	ACUP	C	P	
<b>INDUSTRIAL USES</b>													



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Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
		C (19)(30)(48)(57)(101)	RC (19)(48)(57)(88)(101)	UVC (30)(48)(57)(101)	NC (19)(30)(48)(57)(101)	LIC (48)(57)(101)	RCO (12)(64)(101)	BC (31)(42)(101)	BP (101)	IND (32)(42)(101)	RI (12)(42)(101)	P (101)	(Reserved)
Zoning Classification		Categorical Use											
500	Accessory use or structure (1)(51)	P	P (84)	P	P	P	P	P	P	P	P	--	
502	Air pilot training schools	P	P (84)	P	--	--	--	P	P	P	--	--	
504	Assembly and packaging operations	C	C (61)(84)	C	--	--	--	P	--	ACUP	C	--	
506	Boat yard	ACUP	ACUP (61)(84)	--	--	--	--	P (61)	ACUP	ACUP	C	--	
508	Cemeteries, mortuaries, and crematoriums (10)	ACUP	ACUP (61)(84)	C	C	--	C	ACUP (61)	--	ACUP	C	--	
510	Cold storage facilities (69)	--	--	--	--	--	C	--	ACUP	P	C	--	
512	Contractor's storage yard (21)	--	--	--	--	--	--	P (61)	--	P	ACUP	--	
514	Food production, brewery or distillery	C	C (61)(84)	--	--	--	C	ACUP	ACUP	C	C	--	
516	Fuel distributors	C	C (61)(84)	--	--	--	--	C (61)	--	C	C	--	
518	Helicopter pads (13)	C	C (84)	C	--	C	--	ACUP	--	ACUP	ACUP	--	
520	Manufacturing and fabrication, light	C	C (61)(84)	C	--	--	--	P	P	P	C	--	
522	Manufacturing and fabrication, medium	--	--	--	--	--	--	C (52)(61)	ACUP	P	C	--	
524	Manufacturing and fabrication, heavy	--	--	--	--	--	--	--	--	ACUP	--	--	
526	Manufacturing and fabrication, hazardous	--	--	--	--	--	--	--	--	C	--	--	
528	Recycling centers	--	--	--	--	--	C	--	--	ACUP	C	--	
530	Rock crushing	--	--	--	--	--	--	--	--	C	C	--	
532	Slaughterhouse or animal processing	--	--	--	--	--	C (70)	--	--	C	C (70)	--	
534	Storage, hazardous materials	--	--	--	--	--	C (75)	--	--	C	C (75)	--	
536	Storage, indoor	C	C (61)(84)	--	--	--	C (75)	P (61)	P	P	ACUP	--	
538	Storage, outdoor	--	--	--	--	--	C (75)	ACUP (61)	--	P	P (75)	--	
540	Storage, self-service	ACUP	ACUP (61)(84)	C	C	ACUP -- (79)	C (75)	ACUP (61)	--	P	P (75)	--	





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Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
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Categorical Use													
542	Storage, vehicle and equipment (1)	ACUP	--	--	--	--	C	ACUP (61)	--	P	C (75)	--	
544	Top soil production, stump grinding	--	--	--	--	--	C	--	--	ACUP	ACUP	--	
546	Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	--	--	--	--	--	--	P (61)	C	C	C	--	
548	Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	--	--	--	--	--	--	--	--	C	C (74)	--	
550	Warehousing and distribution (68)	--	--	--	--	--	--	P (61)	P	P	ACUP	--	
552	Wrecking yards and junk yards (1)	--	--	--	--	--	--	--	--	C	C	--	
<b>RESOURCE LAND USES</b>													
600	Accessory use or structure (1)(51)	P	P (84)	P	P	P	P	P	P	P	P	P	
602	Aggregate extractions sites	--	--	--	--	--	C	P	--	C	C	--	
606	Aquaculture practices	C	C (84)	C	C	C	C	P	--	C	C	P	
608	Forestry	P	P (84)	--	P	P -- (79)	P	P	P	P	P	P -- (79)	
610	Shellfish/fish hatcheries and processing facilities	--	--	--	--	--	--	--	--	C	C	--	

**Section 4.** Kitsap County Code Section 17.410.060 ‘Provisions Applying to Special Uses’, adopted by Ordinance 534 (2016), is amended as follows:

**17.410.060 Provisions applying to special uses.**

A. In addition to other standards and requirements imposed by this title, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the most restrictive shall apply.



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B. Uses with Additional Restrictions. Businesses associated with a mineral resource overlay (MRO) designation shall not be subject to these restrictions.

1. Home Business. Home businesses may be allowed for commercial or industrial uses within residential zones subject to the following conditions:

a. Incidental home business, as defined below, shall be permitted in all residential zones and have no permit required.

i. Business uses shall be incidental and secondary to the dominant residential use;

ii. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;

iii. The business shall be conducted entirely within the residence;

iv. The residence shall be occupied by the owner of the business;

v. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;

vi. No clients or customers shall visit or meet for an appointment at the residence;

vii. No employees or independent contractors are allowed to work in the residence other than family members who reside in the residential dwelling;

viii. No activities that create noise, increase risk of fire, or in any way threaten the safety and tranquility of neighboring residents are permitted;

ix. No more than two pick-ups and/or deliveries per day are allowed, not including normal U.S. mail;

x. The business shall not occupy more than twenty-five percent of the gross floor area of the residence; and

xi. No signs to advertise the business/occupation shall be allowed on the premises (except attached to mailbox not to exceed one square foot).

b. Minor home business, as defined below, shall be permitted in all residential zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location.

i. Business uses shall be incidental and secondary to the dominant residential use;

ii. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;

iii. The residence shall be occupied by the owner of the business;



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- iv. The business shall occupy no more than thirty percent of the gross floor area of the residence;
- v. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
- vi. No more than two employees, including proprietors (or independent contractors), are allowed;
- vii. Nonilluminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director;
- viii. No outside storage shall be allowed; and
- ix. In order to assure compatibility with the dominant residential purpose, the director may require:
  - (a) Patronage by appointment.
  - (b) Additional off-street parking.
  - (c) Other reasonable conditions.
- c. Moderate home business, as defined below, shall be permitted in RW, RP, and RR zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location.
  - i. Business uses shall be incidental and secondary to the dominant residential use;
  - ii. The residential character of the building shall be maintained and the business shall be conducted in such a manner as to moderate any outside appearance of a business;
  - iii. The residence shall be occupied by the owner of the business;
  - iv. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
  - v. No more than five employees (or independent contractors) are allowed;
  - vi. Nonilluminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director; and
  - vii. In order to ensure compatibility with the dominant residential purpose, the director may require:
    - (a) Patronage by appointment.
    - (b) Additional off-street parking.



- (c) Screening of outside storage.
- (d) A conditional use permit (required for engine or vehicle repair or servicing).
- (e) Other reasonable conditions.

2. Pets and Exotic Animals. Pets, nontraditional pets and exotic animals are subject to the following conditions:

- a. Pets which are kept inside of a primary structure as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number by this title. Other pets, excluding cats, which are kept indoors shall be limited to five;
- b. Pets which are kept outside of the primary structure shall be limited to three per household on lots less than twenty thousand square feet in area, only one of which may be a nontraditional pet; five per household on lots of twenty thousand to thirty-five thousand square feet, only two of which may be nontraditional pets; with an additional two pets per acre of site area over thirty-five thousand square feet up to a limit of twenty; and
- c. No feeding area or structure used to house, confine or feed pets shall be located closer than the minimum yard setbacks for the zone in which they are located. No feeding area or structure used to house, confine or feed nontraditional pets or exotic animals shall be located closer than fifty feet from any residence on adjacent property.

3. Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;
- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;
- c. Only one ADU shall be allowed per lot;
- d. Owner of the property must reside in either the primary residence or the ADU;
- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements;
- f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage);
- g. The ADU shall be designed to maintain the appearance of the primary residence;
- h. All setback requirements for the zone in which the ADU is located shall apply;



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- i. The ADU shall meet the applicable health district standards for water and sewage disposal;
- j. No mobile homes or recreational vehicles shall be allowed as an ADU;
- k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and
- l. An ADU is not permitted on the same lot where an accessory living quarters exists.
- m. Existing, Unpermitted Accessory Dwelling Units.
  - i. Applicability. The provisions of this subsection shall only apply to property and property owners who can establish all of the following criteria:
    - (a) The parcel is within the unincorporated area of Kitsap County;
    - (b) An accessory dwelling unit (ADU), as defined in Section 17.110.020, or similar dwelling previously defined as an accessory living quarters (ALQ) or an accessory rental unit (ARU) is located on the parcel;
    - (c) The accessory dwelling has not received any prior review and/or approval by Kitsap County;
    - (d) The property owner did not construct or cause to have the accessory dwelling constructed;
    - (e) The property owner did not own the property when the accessory dwelling was constructed;
    - (f) The property owner exercised due diligence when purchasing the property with the existing accessory dwelling to discover whether or not the accessory dwelling was approved when purchasing the property. Due diligence is presumed to have occurred if the property owner can document the following conditions:
      - (i) That county tax records or parcel records contain no inquiry or other notice that the ADU was unpermitted; and
      - (ii) That the current owner requested and obtained a title report with no exceptions, restrictions, enforcement actions, permitting or similar issues pertinent to the ADU; and
      - (iii) That the prior owner's property and improvement disclosures at the time of sale did not indicate any permitting, compliance or similar issues pertinent to the ADU; and
      - (iv) That any third party involved in the sale or inspection of the ADU did not disclose any permitting, compliance or other issues pertinent to the ADU;
    - (g) The parcel has a history of property tax assessment and a history of continuous tax payments on the principal and the accessory dwelling;



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(h) Acceptable documentation for subsections (B)(3)(m)(i)(a) through (g) of this section may include but is not limited to current or previous county assessment records, real estate disclosure forms, listing agreements, records of sale, title reports and aerial photography establishing compliance with the required conditions.

ii. Application. Persons who meet the criteria of subsection (B)(3)(m)(i) of this section desiring to gain approval of their accessory dwelling shall make application to the director of the department of community development on forms provided by the department, with fees to be paid at the time of application as provided in subsection (B)(3)(m)(v) of this section. Such application shall be a Type II permit under Chapter 21.04.

iii. Approval. The director, or his designee, is authorized to approve submitted applications that satisfy all of the following:

(a) All the requirements of this section;

(b) All the applicable zoning, health, fire safety and building construction requirements:

(i) The applicable requirements shall be those in effect when the accessory dwelling was constructed. The burden of proof of when the accessory dwelling was constructed shall be upon the applicant and may consist of dated aerial photography, tax assessments, surveys or similar documents.

(ii) If the applicant cannot prove a date of construction, the applicable requirements shall be those currently in effect on the date of application.

(iii) If the applicant can only show a date range for construction, the applicable requirements shall be the latest requirements of the range;

(c) Proof of adequate potable water;

(d) Proof of adequate sewage disposal systems for both the principal and the accessory dwelling. Proof shall be shown by Kitsap County health district approval; and

(e) Verification by Kitsap County inspection staff that the accessory dwelling is habitable.

Applications approved subject to these provisions shall be considered legal nonconforming uses.

iv. Variances.

(a) When reviewing the application, the director is authorized to grant an administrative variance to the requirements of subsection (B)(3)(m)(iii)(b) of this section only when unusual circumstances relating to the property cause undue hardship in the application of subsection (B)(3)(m)(iii)(b) of this section. The granting of an administrative variance shall be in the public interest. An administrative variance shall be granted at the director's sole discretion only when the applicant has proven all of the following:



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- (i) There are practical difficulties in applying the regulations of subsection (B)(3)(m)(iii)(b) of this section;
  - (ii) The applicant did not create or participate in creating the practical difficulties;
  - (iii) A variance meets the intent and purpose of this section;
  - (iv) The variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which the property is located; and
  - (v) The variance is the minimum necessary to grant relief to the applicant.
- (b) The director is authorized to require mitigation in connection with the administrative variance to minimize the effect of the variance on surrounding properties.
- (c) In reviewing a request for an administrative variance, the director shall notify and solicit comments from surrounding property owners of the application and the intended variance and mitigation. The director shall consider such comments when determining whether or not to approve the variance. The director is further authorized to require mediation to resolve issues arising from the notification process and the costs of such mediation shall be paid by the applicant.
- (d) Variance requests submitted as part of this subsection shall be considered as part of the original application and not subject to additional procedural or fee requirements.
- v. Fees. Applicants shall pay a fee established by resolution at the time of application. Additionally, applicants shall pay notification costs, reinspection fees, additional review and other applicable fees in accordance with Chapter 21.10. Applicants may initiate a staff consultation in considering or preparing an application under these provisions. The staff consultation fee established in Chapter 21.10 shall not, however, be credited towards any subsequent application submitted under these provisions.
- vi. Land Use Binder. Following approval of the accessory dwelling and any administrative variance, the applicant shall record a land use permit binder with the county auditor using forms provided by Kitsap County department of community development.
- vii. Expiration. Qualifying property owners shall have one year from the time that the noncompliant ADU is discovered to submit an application for approval of the ADU.
4. Accessory Living Quarters. In order to encourage the provision of affordable housing, accessory living quarters may be located in residential zones, subject to the following criteria:
- a. Accessory living quarters shall be located within an owner-occupied primary residence;
  - b. Accessory living quarters are limited in size to no greater than fifty percent of the habitable area of the primary residence;



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- c. The accessory living quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one accessory living quarters shall be allowed per lot;
  - e. Accessory living quarters are to provide additional off-street parking with no additional street side entrance; and
  - f. Accessory living quarters are not allowed where an accessory dwelling unit exists.
  - g. Existing Unpermitted Accessory Living Quarters. Existing unpermitted accessory living quarters may be approved under the provisions of subsection (B)(3)(m) of this section.
5. Adult Entertainment.
- a. The following uses are designated as adult entertainment uses:
    - i. Adult bookstore;
    - ii. Adult mini-motion picture theater;
    - iii. Adult motion picture theater;
    - iv. Adult novelty store; and
    - v. Cabaret.
  - b. Restrictions on Adult Entertainment Uses. In addition to complying with the other sections of this title, adult entertainment uses shall not be permitted:
    - i. Within one thousand feet of any other existing adult entertainment use; and/or
    - ii. Within five hundred feet of any noncommercial zone, or any of the following residentially related uses:
      - (a) Churches, monasteries, chapels, synagogues, convents, rectories, or church-operated camps;
      - (b) Schools, up to and including the twelfth grade, and their adjunct play areas;
      - (c) Public playgrounds, public swimming pools, public parks and public libraries;
      - (d) Licensed day care centers for more than twelve children;
      - (e) Existing residential use within a commercial zone.
    - iii. For the purposes of this section, spacing distances shall be measured as follows:
      - (a) From all property lines of any adult entertainment use;





- (b) From the outward boundary line of all residential zoning districts;
- (c) From all property lines of any residentially related use.
- c. Signage for Adult Entertainment Uses.
  - i. In addition to special provisions relating to signage in this title, it shall be unlawful for the owner or operator of any adult entertainment use establishment or any other person to erect, construct, or maintain any sign for the adult entertainment use establishment other than one primary sign and one secondary sign, as provided herein.
  - ii. Primary signs shall have no more than two display surfaces. Each such display surface shall:
    - (a) Be a flat plane, rectangular in shape;
    - (b) Not exceed seventy-five square feet in area; and
    - (c) Not exceed ten feet in height or ten feet in length.
  - iii. Primary and secondary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:
    - (a) The name of the regulated establishment; and/or
    - (b) One or more of the following phrases:
      - (i) “Adult bookstore,”
      - (ii) “Adult movie theater,”
      - (iii) “Adult cabaret,”
      - (iv) “Adult novelties,”
      - (v) “Adult entertainment.”
  - iv. Primary signs for adult movie theaters may contain the additional phrase, “Movie Titles Posted on Premises.”
    - (a) Each letter forming a word on a primary or secondary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
    - (b) Secondary signs shall have only one display surface. Such display surface shall:
      - (i) Be a flat plane, rectangular in shape;
      - (ii) Not exceed twenty square feet in area;



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- (iii) Not exceed five feet in height and four feet in width; and
  - (iv) Be affixed or attached to any wall or door of the establishment.
6. Storage of Junk Motor Vehicles.
- a. Storage of junk motor vehicles on any property outside of a legally constructed building (minimum of three sides and a roof) is prohibited, except where the storage of up to six junk motor vehicles meets one of the following two conditions:
    - i. Any junk motor vehicle(s) stored outdoors must be completely screened by a sight-obscuring fence or natural vegetation to the satisfaction of the director (a covering such as a tarp over the vehicle(s) will not constitute an acceptable visual barrier). For the purposes of this section, “screened” means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement or right-of-way; or
    - ii. Any junk motor vehicle(s) stored outdoors must be stored more than two hundred fifty feet away from all property lines.
  - b. Environmental Mitigation Agreement. The owner of any such junk motor vehicle(s) must successfully enter into an environmental mitigation agreement with the department of community development (the “department”) regarding the property where such vehicle(s) will be located or stored.
    - i. An environmental mitigation agreement between a property owner and the department is required before the outdoor storage of up to six screened junk motor vehicles will be approved. A property owner may enter into such agreement with the department for a one-time fee of \$10.00 per vehicle, the proceeds of which shall be used to assist with clean-up costs associated with the administration of Chapter 9.56.
    - ii. In order to mitigate any potential environmental impact from the storage of these junk motor vehicles, the property owner must agree to institute one of the following two preventative measures:
      - (a) Each junk motor vehicle must be drained of all oil and other fluids including, but not limited to, engine crankcase oil, transmission fluid, brake fluid and radiator coolant or antifreeze prior to placing the vehicle on site; or
      - (b) Drip pans or pads must be placed and maintained underneath the radiator, engine block, transmission and differentials of each junk motor vehicle to collect residual fluids.
      - (c) Either preventative measure shall require that the owner of such vehicle(s) clean up and properly dispose of any visible contamination resulting from the storage of junk motor vehicles. The agreement will require the property owner to select one of the two preventative measures and to allow for an initial inspection of the property by the department to assure that the preventative measure has been implemented to the satisfaction of the department. By entering into the agreement, the property owner further agrees to allow the department entry onto the



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property on an annual basis for reinspection to assure compliance with the approved agreement. If a property is found to be in compliance with the terms of the agreement for two consecutive inspections, the department may waive the annual inspection requirement. A property owner found to be in violation of the agreement may be issued a civil infraction pursuant to this title and could later be deemed a nuisance in accordance with Chapter 9.56.

7. Model Homes. Notwithstanding any other provision of this code, model homes may be constructed within a subdivision prior to final plat approval by the board. The purpose of the model homes shall be to demonstrate a variety of housing designs together with associated on-site improvements, e.g., landscaping, improved driveway, patios. Model homes shall be subject to the following requirements:

- a. The subdivision shall have received preliminary plat approval;
- b. One model home may be occupied as a temporary real estate office;
- c. A model home may not be occupied as a dwelling unit or sold until the approved final plat is recorded;
- d. The number of model home permits that may be issued for any approved preliminary plat or division thereof shall not exceed six;
- e. If the lots to be used for model home purposes are in a block of two or more contiguous lots, temporary uses may be incorporated onto one or more lots, including temporary offices, parking, parks and playgrounds, subject to the approval of the director, and subject to obtaining a temporary use permit, which shall authorize the temporary uses for a period of one year. The director may extend the temporary use permit for up to two additional periods of six months each;
- f. Lots used for model homes must be clear of restrictions or easements that may be subject to line changes before recording;
- g. Storm water management facilities must be in place and/or approved for recording. Temporary erosion control must be completed prior to occupancy of a model home;
- h. Roads must be constructed to final alignment and grade such that the building inspector can determine if connecting driveways meet county standards prior to occupancy of a model home;
- i. Permanent or temporary fire flow for the final plat must be approved by the fire marshal, constructed and operational prior to occupancy of a model home; and
- j. Final plat restoration bonds must be posted prior to occupancy of a model home.

8. Guest Houses. Guest house may be located in those zones specified in Sections 17.410.042 through 17.410.046 subject to the following conditions:

- a. Guest houses shall not exceed nine hundred square feet. Dimensions are determined by exterior measurements;



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- b. Guest houses shall not include any kitchen plumbing, appliances or provisions for cooking;
- c. Guest houses shall not include more than one bathroom (may be full bathroom);
- d. Guest houses shall not include more than two habitable rooms and a bathroom;
- e. Guest houses shall not be rented separately from the primary residence;
- f. Only one guest house is allowed per parcel;
- g. No guest house is allowed on a parcel with an existing accessory dwelling unit or accessory living quarters;
- h. Newly constructed guest houses must meet the required setbacks for a single-family dwelling consistent with their zone. Legally established, existing structures built before May 7, 1998, may be remodeled into guest houses at their existing setback;
- i. Guest houses must be within one hundred fifty feet of the primary residence;
- j. Guest houses must use the same street entrance as the primary structure;
- k. Guest houses must meet all applicable health district standards for water provision and sewage disposal; and
- l. The property owner must record a notice to title outlining these conditions. This notice must be approved by the department and may not be extinguished without the county's written permission.

### 9. High-Risk Secured Facility. A High-Risk Secured Facility shall comply with the following conditions:

- a. The County shall hold a neighborhood meeting prior to a public hearing for a proposed high-risk secured facility. The project applicant shall cover all meeting costs.
- b. The County shall mail community notification to the school district and all landowners within a half mile radius of a proposed high-risk secured facility at least two weeks prior to the required neighborhood meeting. The project applicant shall cover all community notification costs.
- c. A High-Risk Secured Facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
  - i. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.
  - ii. "Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private



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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. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.

d. A High-Risk Secured Facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).

i. Distance shall be measured from all property lines of a High-Risk Secured Facility from all property lines of the facilities and grounds of a public or private school.

e. A High-Risk Secured Facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.

f. Principle access to the site shall be from a county-maintained right-of-way.

g. A High-Risk Secured Facility shall be equipped with an automatic fire sprinkler system, installed in accordance with applicable building and fire codes

h. A High-Risk Secured Facility shall be equipped with a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency.

i. A High-Risk Secured Facility shall be equipped with a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

**Section 5.** Kitsap County Code Section 21.04.130 'Neighborhood meetings', adopted by Ordinance 490 (2012), is amended as follows:

### **21.04.130 Neighborhood meetings.**

A. General Purpose. Neighborhood meetings are optional, unless required by Section 17.410.060(B)(9) or 17.505.030(A)(4). These meetings are designed to ~~advise~~ create the public awareness of what local development regulations allow, ~~often with~~ including conditions assigned to a project that the public may want to consider. Neighborhood meetings are also used to provide information about a proposed development ~~earlier~~ earlier in the project permit application review process, ~~than the minimum required.~~ They are intended to improve neighborhood awareness of potential or pending projects and, provide earlier neighborhood involvement in the planning process, ~~and to reduce controversy at the public hearing.~~ At neighborhood meetings, issues of concern can be expressed and potentially addressed before an applicant spends time and money on plans and before an application reaches the review authority. ~~Noticing and neighborhood meeting requirements, as discussed below, should be considered for effective participation.~~



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B. Meeting Moderation and Assistance. The applicant may enlist the support of land use professionals to moderate and assist the meeting. Land use professionals may provide an interface between the proposed project permit application, Kitsap County Code, and expectations of the public. ~~For these purposes, L~~ Land use professionals may include any persons with knowledge sufficient to assist both applicants and the public, and shall include engineers, surveyors, land use consultants, and attorneys.

C. Schedule of Hearing. The department will work with applicants ~~who wish to conduct neighborhood meetings~~ to ensure application review and any required public hearing dates are not impacted or minimally impacted. Applicants who ~~wish to~~ conduct neighborhood meetings ~~should~~ shall contact the department as soon as possible to minimize impacts to the schedule of project permit application review. ~~Processing times~~ The project permit application review can be suspended during neighborhood meeting efforts.

D. Notification. ~~If an applicant conducts a neighborhood meeting, t~~ The applicant shall send notice of the meeting to those on the ~~notice of application~~ mailing list, unless additional requirements are contained in Section 17.410.050(B)(9) or 17.505.030(A)(4). The notification shall include a brief description of the proposal and the date, time and location of the meeting. The county will provide mailing addresses to the applicant, and may assist, at minimal cost to the applicant, with automated postcard notices.

E. Documentation of Meeting. Reporting results of a meeting ~~is optional, but if chosen~~ shall be provided by the applicant to DCD within fourteen days of the meeting date. A report should outline:

1. Description of neighborhood meeting notification materials, mailing lists, dates, times, locations of meeting(s), and attendance lists;
2. Copies of all plans, references, drawings, details, mailings, handouts, letters, etc., used for the meeting itself;
3. Description of the concerns, issues, and problems raised by ~~the~~ neighbors during the meetings and how they will be addressed; ~~and~~
4. Description of all concerns, issues, and problems that cannot be addressed, including irresolvable conflict; and
5. Description of the project support raised by neighbors during the meeting.



# KITSAP COUNTY

## Washington


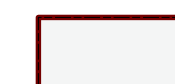
### Proposed Zoning Regulations for High-Risk Secured Facilities Proposed Zoning Districts

#### Legend



##### Zoning Designations

-  Business Center
-  Business Park
-  Commercial (10-30 DU/Ac)
-  Industrial
-  Regional Center (10-30 DU/Ac)

##### Designated Urban Growth Areas

-  Urban Growth Area Boundary
-  Incorporated City Boundary





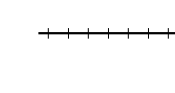

##### Limited Areas of More Intense Rural Development

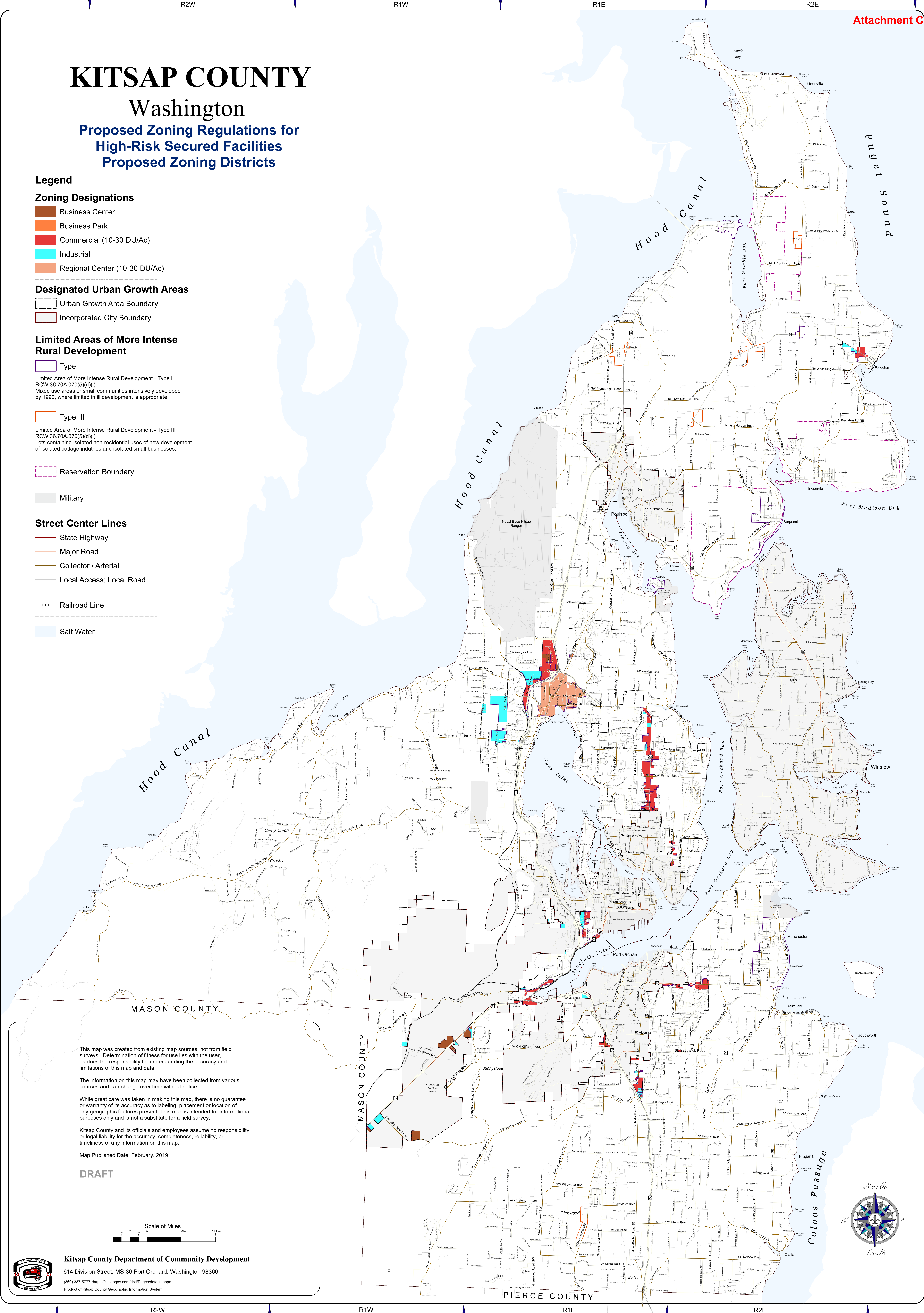
-  Type I  
Limited Area of More Intense Rural Development - Type I  
RCW 36.70A.070(5)(d)(i)  
Mixed use areas or small communities intensively developed by 1990, where limited infill development is appropriate.
-  Type III  
Limited Area of More Intense Rural Development - Type III  
RCW 36.70A.070(5)(d)(ii)  
Lots containing isolated non-residential uses of new development of isolated cottage industries and isolated small businesses.

##### Reservation Boundary

##### Military

##### Street Center Lines

-  State Highway
-  Major Road
-  Collector / Arterial
-  Local Access; Local Road
-  Railroad Line
-  Salt Water



This map was created from existing map sources, not from field surveys. Determination of fitness for use lies with the user, as does the responsibility for understanding the accuracy and limitations of this map and data.

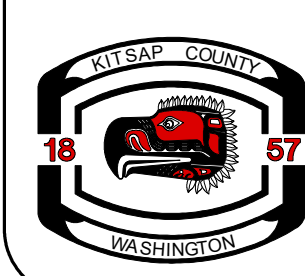
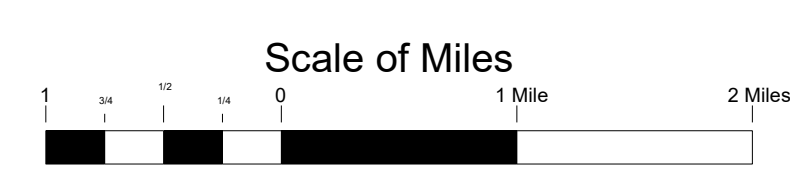
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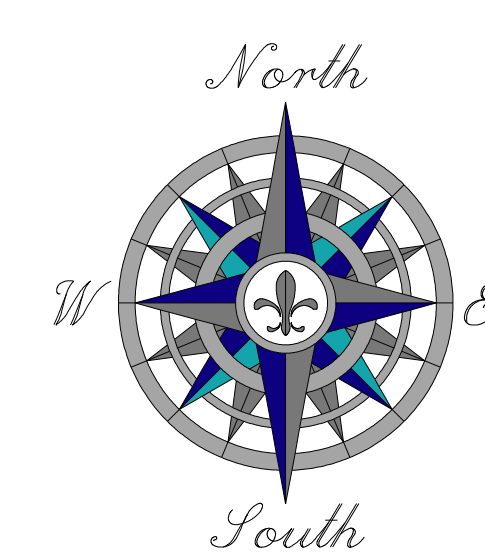
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Map Published Date: February, 2019

**DRAFT**



**Kitsap County Department of Community Development**  
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**Kitsap County Community Development Department  
Comparison of Interim Regulations by Jurisdiction  
High-Risk Secured Facilities**

Code Section	Kitsap County	City of Poulsbo	City of Port Orchard
<b>Definition</b>	<p>“High-Risk Secured Facility” means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include:</p> <p>A. Secure community transition facilities proposed under the authority of, and consistent with the provision of Chapter 71.09 RCW; or</p> <p>B. Nursing homes, assisted living or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).</p>	<p>“High-Risk Secured Facility” means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include:</p> <p>A. Secure community transition facilities proposed under the authority of, and consistent with the provision of Chapter 71.09 RCW; or</p> <p>B. Nursing homes, assisted living or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).</p>	<p>“Secured high risk social service facilities” are facilities serving one or more persons civilly committed as Sexually Violent Predators (SVPs) and conditionally released to a less restrictive alternative (LRA) in accordance with Chapter 71.09 RCW. An LRA is a facility that provides court-ordered supervision, security, and sex offender treatment services.</p>
<b>Level of Permit Review</b>	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit
<b>Classification of Use</b>	Residential	Institutional	Residential
<b>Allowed Zones</b>	Commercial (C), Regional Center (RC), Business Center (BC), Business Park (BP), and Industrial (I)	Light Industrial (LI)	Commercial Corridor (CC), Commercial Heavy (CH), Industrial Flex (IF), and Light Industrial (LI)
<b>Special Provisions</b>	<ul style="list-style-type: none"> <li>The County shall mail community notification to the school district and all landowners within a half mile radius of a proposed facility and hold a neighborhood meeting prior to the public hearing before the County’s Hearing Examiner. The expenses shall be at the cost of the applicant.</li> <li>A facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established. <ul style="list-style-type: none"> <li>"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A neighborhood meeting is required pursuant to PMC 19.60.</li> <li>A High Risk Secured Facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established. <ul style="list-style-type: none"> <li>"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.</li> <li>"Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The city shall hold a neighborhood meeting prior to a public hearing for the proposed secured high risk social services facility. The project applicant shall cover all meeting costs.</li> <li>The city shall provide community notification to all landowners within a half-mile radius of the proposed secured high risk social services facility at least two (2) weeks prior to a neighborhood meeting. The project applicant shall cover all meeting costs.</li> <li>The secured high risk social services facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established. <ul style="list-style-type: none"> <li>"Within line of sight" means that it is possible to</li> </ul> </li> </ul>



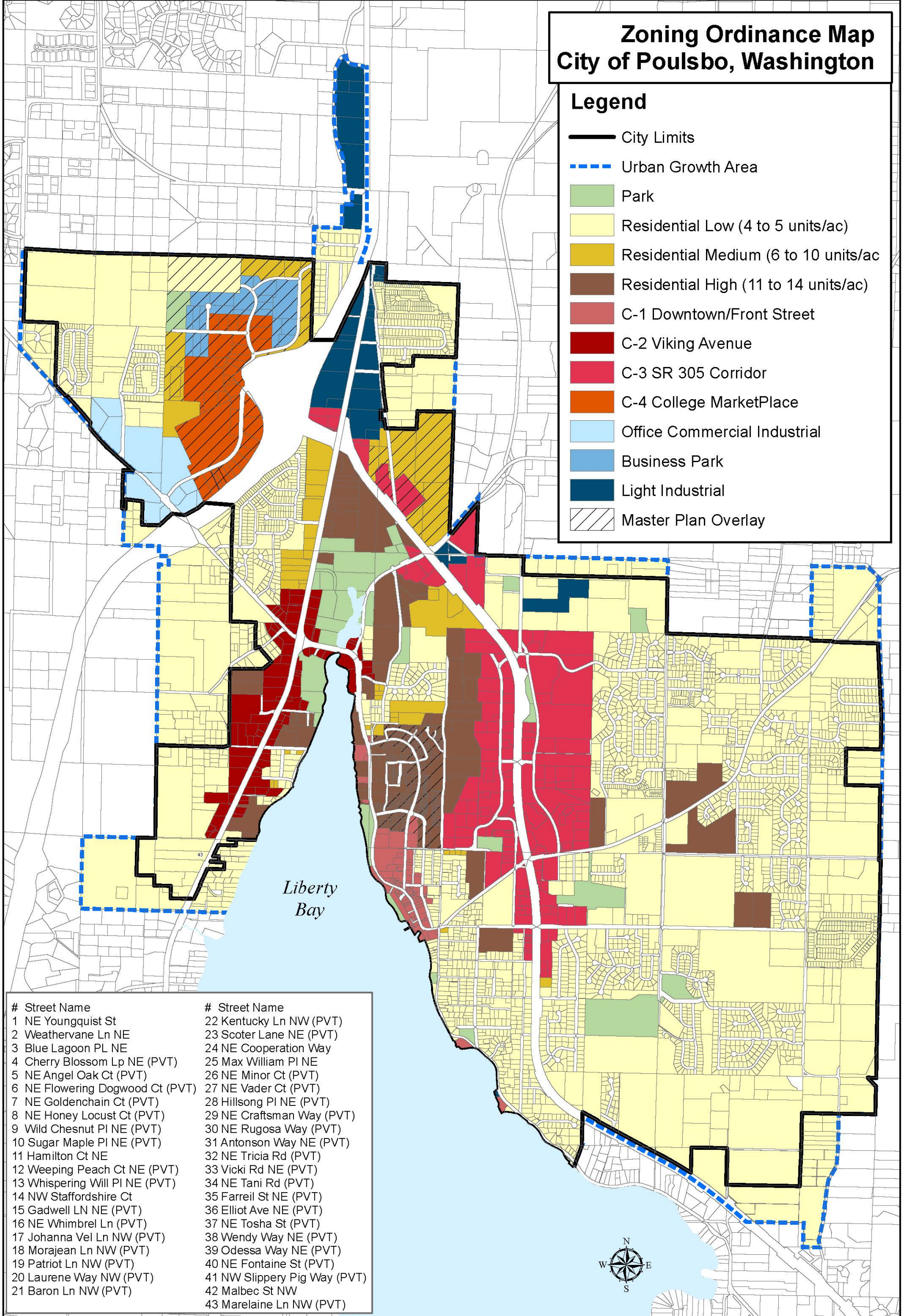
Code Section	Kitsap County	City of Poulsbo	City of Port Orchard
	<ul style="list-style-type: none"> <li>• "Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private school, 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. For the purpose of this section "school bus stops" does not include bus stops established primary for public transit.</li> <li>• A High-Risk Secured Facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6). <ul style="list-style-type: none"> <li>• Distance shall be measured from all property lines of a High-Risk Secured Facility from all property lines of the facilities and grounds of a public or private school.</li> </ul> </li> <li>• A facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents;</li> <li>• Principle access to the site shall be from a county-maintained right-of-way;</li> <li>• A facility shall be equipped with: <ul style="list-style-type: none"> <li>• An automatic fire sprinkler system, installed in accordance with applicable building and fire codes;</li> <li>• A mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency; and</li> </ul> </li> <li>• a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.</li> </ul>	<p>conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private school, 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. For the purpose of this section "school bus stops" does not include bus stops established primary for public transit.</p> <ul style="list-style-type: none"> <li>• A High-Risk Secured Facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6). <ul style="list-style-type: none"> <li>• Distance shall be measured from all property lines of a High-Risk Secured Facility from all property lines of the facilities and grounds of a public or private school.</li> </ul> </li> <li>• A High-Risk Secured Facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.</li> <li>• Principle access to the site shall be from a City maintained right-of-way.</li> <li>• A High-Risk Secured Facility shall be equipped with a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency.</li> <li>• A High-Risk Secured Facility shall be equipped with a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety. security. and surveillance systems in the event of a power outage.</li> </ul>	<p>reasonably visually distinguish and recognize individuals.</p> <ul style="list-style-type: none"> <li>• "Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private school, 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. For the purpose of this section "school bus stops" does not include bus stops established primary for public transit.</li> <li>• The secured high risk social services facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6). <ul style="list-style-type: none"> <li>• Distance shall be measured from all property lines of the secured high risk social services facility from all property lines of the facilities and grounds of a public or private school.</li> </ul> </li> <li>• The secured high risk social services facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.</li> <li>• Principle access to the secured high risk social services facility shall be from a city-maintained right-of-way.</li> <li>• If a person's liberty is restricted or a person is not capable of self-preservation without physical assistance, the secured high risk social services facility shall be equipped with an automated fire sprinkler system as required by building code.</li> <li>• If windows/doors are required to be secured, the secured high risk social services facility shall have a system to automatically release locks which shall be interlocked with the fire protection system.</li> <li>• The secured high risk social services facility shall have backup power sufficient to energize the safety and security systems in the event of a power outage.</li> </ul>



# Zoning Ordinance Map City of Poulsbo, Washington

### Legend

- City Limits
- Urban Growth Area
- Park
- Residential Low (4 to 5 units/ac)
- Residential Medium (6 to 10 units/ac)
- Residential High (11 to 14 units/ac)
- C-1 Downtown/Front Street
- C-2 Viking Avenue
- C-3 SR 305 Corridor
- C-4 College MarketPlace
- Office Commercial Industrial
- Business Park
- Light Industrial
- Master Plan Overlay



#	Street Name	#	Street Name
1	NE Youngquist St	22	Kentucky Ln NW (PVT)
2	Weathervane Ln NE	23	Scoter Lane NE (PVT)
3	Blue Lagoon PL NE	24	NE Cooperation Way
4	Cherry Blossom Lp NE (PVT)	25	Max William Pl NE
5	NE Angel Oak Ct (PVT)	26	NE Minor Ct (PVT)
6	NE Flowering Dogwood Ct (PVT)	27	NE Vader Ct (PVT)
7	NE Goldenchain Ct (PVT)	28	Hillsong Pl NE (PVT)
8	NE Honey Locust Ct (PVT)	29	NE Craftsman Way (PVT)
9	Wild Chesnut Pl NE (PVT)	30	NE Rugosa Way (PVT)
10	Sugar Maple Pl NE (PVT)	31	Antonson Way NE (PVT)
11	Hamilton Ct NE	32	NE Tricia Rd (PVT)
12	Weeping Peach Ct NE (PVT)	33	Vicki Rd NE (PVT)
13	Whispering Will Pl NE (PVT)	34	NE Tani Rd (PVT)
14	NW Staffordshire Ct	35	Farrell St NE (PVT)
15	Gadwell LN NE (PVT)	36	Elliot Ave NE (PVT)
16	NE Whimbrel Ln (PVT)	37	NE Tosha St (PVT)
17	Johanna Vel Ln NW (PVT)	38	Wendy Way NE (PVT)
18	Morajeau Ln NW (PVT)	39	Odessa Way NE (PVT)
19	Patriot Ln NW (PVT)	40	NE Fontaine St (PVT)
20	Laurene Way NW (PVT)	41	NW Slippery Pig Way (PVT)
21	Baron Ln NW (PVT)	42	Malbec St NW
		43	Marelaine Ln NW (PVT)

0 750 1,500 3,000 4,500 6,000 Feet

Zoning Map Primary Map Sources and Original Scales:  
Kitsap County Assessor's Tax Maps 1:12,000 (Kitsap County IT, GIS Division)

Published November 2017

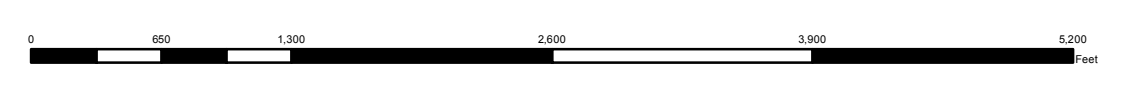
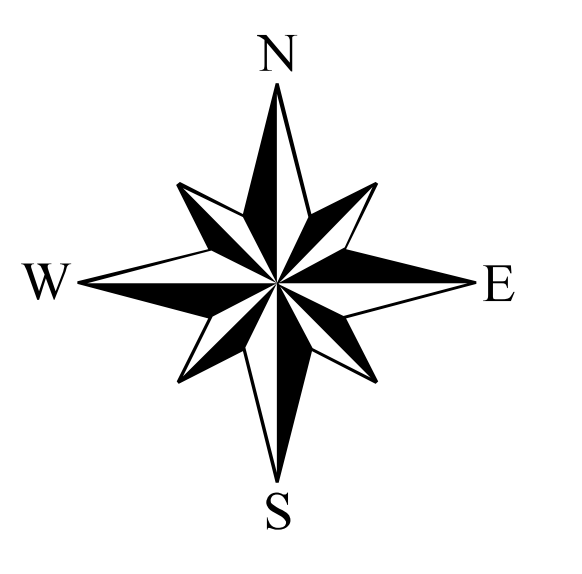
The Zoning Ordinance Map is intended for general purpose planning. Maps are schematic representations of physical features, infrastructure, and land ownership boundaries. The map information was derived from available public records and existing sources, not from surveys. Studies may be necessary with project review to verify information.





### CITY OF PORT ORCHARD 2019 ZONING MAP

- BPMU
- CC
- CH
- CI
- CMU
- DMU
- GB
- GMU
- LI
- NMU
- PF
- PR
- R1
- R2
- R3
- R4
- R6
- Urban Growth Area
- Port Orchard UGA



City of Port Orchard Department of Community Development  
 216 Prospect Street, Port Orchard, WA 98366  
 Phone: (360) 874-5533 Fax: (360) 876-4980  
[www.cityofportorchard.us](http://www.cityofportorchard.us)

This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use. This map is not a substitute for field survey.

City of Port Orchard Official Zoning Map as adopted by Ordinance 022-18 on July 9, 2018.

Robert Putausau, Mayor

ATTEST:

Brandy Rineason, MMC, City Clerk  
 APPROVED AS TO FORM:

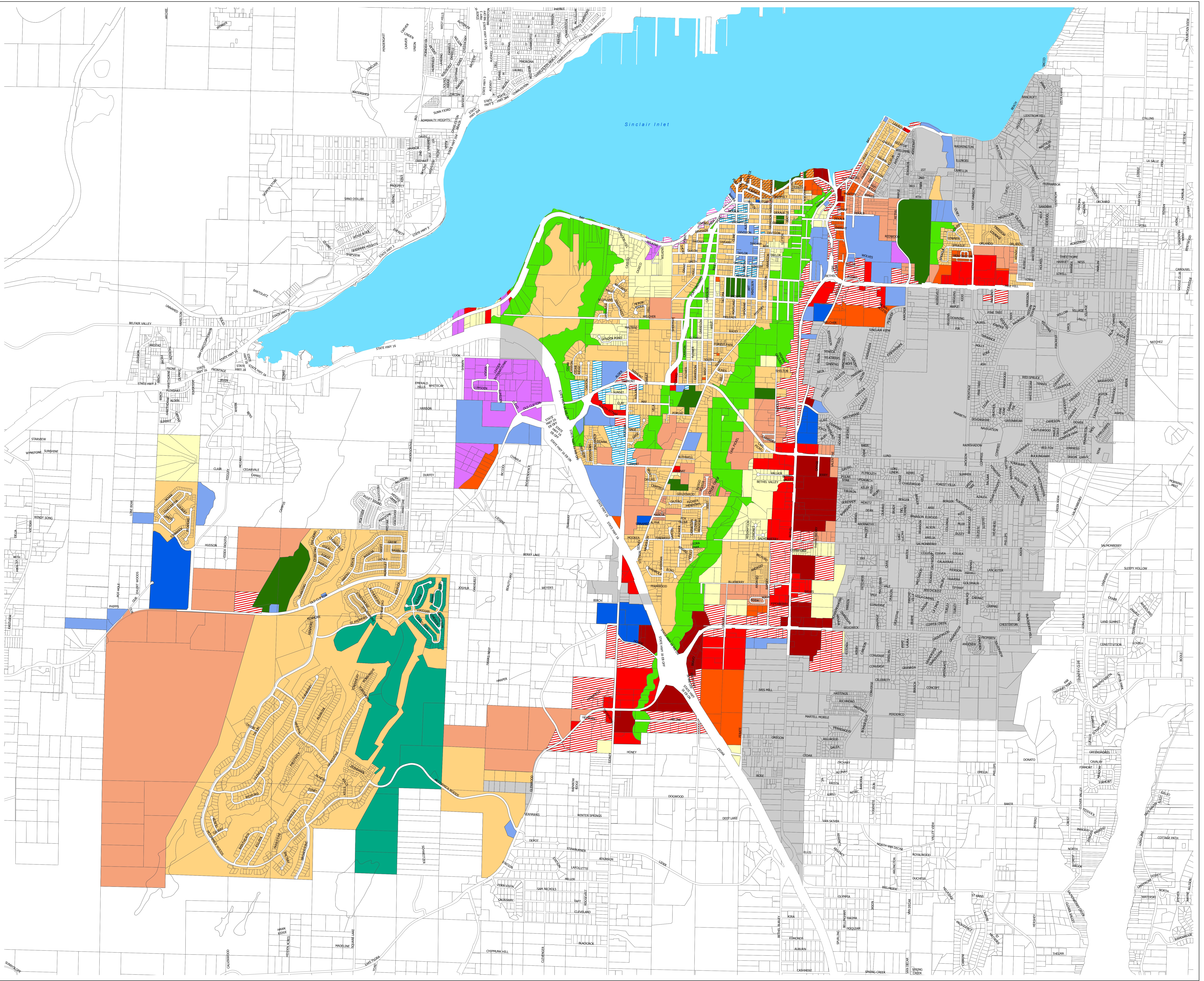
Sharon Gates, City Attorney

Sponsored by:

Scott Diener, Councilmember

PUBLISHED: March 22, 2019  
 EFFECTIVE DATE: March 27, 2019

The official signed Zoning Map may be viewed at the City Clerk's office.







## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 JEFF RIMACK, DIRECTOR  
 (360) 337-5777 HOME PAGE - [www.kitsapgov.com/dcd/](http://www.kitsapgov.com/dcd/)

### DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: A proposed amendment to Kitsap County Development Code regarding High-Risk Secured facilities. The Kitsap County Department of Community Development proposes an amendment to Kitsap County Code Title 17 'Zoning', to do the following:

- Adds a new definition to Section 17.110.335 KCC for High-Risk Secured Facilities.
- Lists the facility as categorical use 127 in the allowed use table found in Section 17.410.044 KCC.
- Allows the use to be proposed within urban growth areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones.
- Requires a Conditional Use Permit (CUP) and a public hearing before the County's Hearing Examiner.
- Adds special provisions to Section 17.410.060 KCC that require:
  - the County shall mail community notification to the school district and all landowners within a half mile radius of a proposed facility and hold a neighborhood meeting prior to the public hearing before the County's Hearing Examiner. The cost of community notification and a neighborhood meeting shall be at the cost of the applicant.
  - a facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
    - Risk potential activities and facilities include: 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. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.
  - a facility shall not be located within 880-feet of the facilities and grounds of a public or private school.
  - a facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents;
  - principle access to the site shall be from a county-maintained right-of-way;
  - a facility shall be equipped with:
    - an automatic fire sprinkler system, installed in accordance with applicable building and fire codes;
    - a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency; and
    - a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.
- Clarifies in Section 21.04.130 KCC that certain proposed uses, such as High-Risk Secured Facilities, require a neighborhood meeting.

Staff contact and project lead: Liz Williams, Planner

Lead Agency: Kitsap County

Location of proposal, including street address, if any: The proposed amendment will allow a High-Risk Secured Facility to be proposed in Urban Growth Areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones.

The lead agency for this proposal has determined that it does not have a probable significant adverse

impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by May 17, 2019.

COMMENTS:

This is a nonproject action per WAC 197-11-704(2)(b). Adoption of the code by the Kitsap County Board of Commissioners is expected in July of 2019.

Responsible Official: Scott Diener

SEPA Coordinator: Steve Heacock

Position/Title: SEPA Coordinator, Dept. of Community Development Phone: (360) 337-5777

Address: 619 Division Street, Port Orchard, WA 98366

DATE: 5/03/2019

Signature: 

## SEPA ENVIRONMENTAL CHECKLIST

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. Background** [\[HELP\]](#)

### 1. Name of proposed project, if applicable:

Amendment to the Kitsap County Code to regulate High-Risk Secured Facilities.

## 2. Name of applicant:

Kitsap County, Washington

## 3. Address and phone number of applicant and contact person:

619 Division Street, MS-36  
Port Orchard, WA 98366  
Liz Williams, Planner and Project Lead  
(360) 337-4836

## 4. Date checklist prepared:

April 26, 2019

## 5. Agency requesting checklist:

Kitsap County, Washington

## 6. Proposed timing or schedule (including phasing, if applicable):

Adoption is anticipated in July 2019.

## 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not at this time.

## 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

## 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not at this time.

## 10. List any government approvals or permits that will be needed for your proposal, if known.

Not applicable for this non-project proposal. The Washington State Department of Commerce will be notified of the proposed amendment.

## 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal includes the following amendments to the Kitsap County Code (KCC):

- Adds a new definition to Section 17.110.335 KCC for High-Risk Secured Facilities.
- Lists the facility as categorical use 127 in the allowed use table found in Section 17.410.044 KCC.
- Allows the use to be proposed within urban growth areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones.
- Requires a Conditional Use Permit (CUP) and a public hearing before the County's Hearing Examiner.
- Adds special provisions to Section 17.410.060 KCC that require:
  - the County shall mail community notification to the school district and all landowners within a half mile radius of a proposed facility and hold a neighborhood meeting prior to the public hearing before the County's Hearing Examiner. The cost of community notification and a neighborhood meeting shall be at the cost of the applicant.
  - a facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
    - Risk potential activities and facilities include: 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. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.
  - a facility shall not be located within 880-feet of the facilities and grounds of a public or private school.
  - a facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents;
  - principle access to the site shall be from a county-maintained right-of-way;
  - a facility shall be equipped with:
    - an automatic fire sprinkler system, installed in accordance with applicable building and fire codes;
    - a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency; and
    - a backup power system and an automatic transfer switch sufficient to energize and maintain the

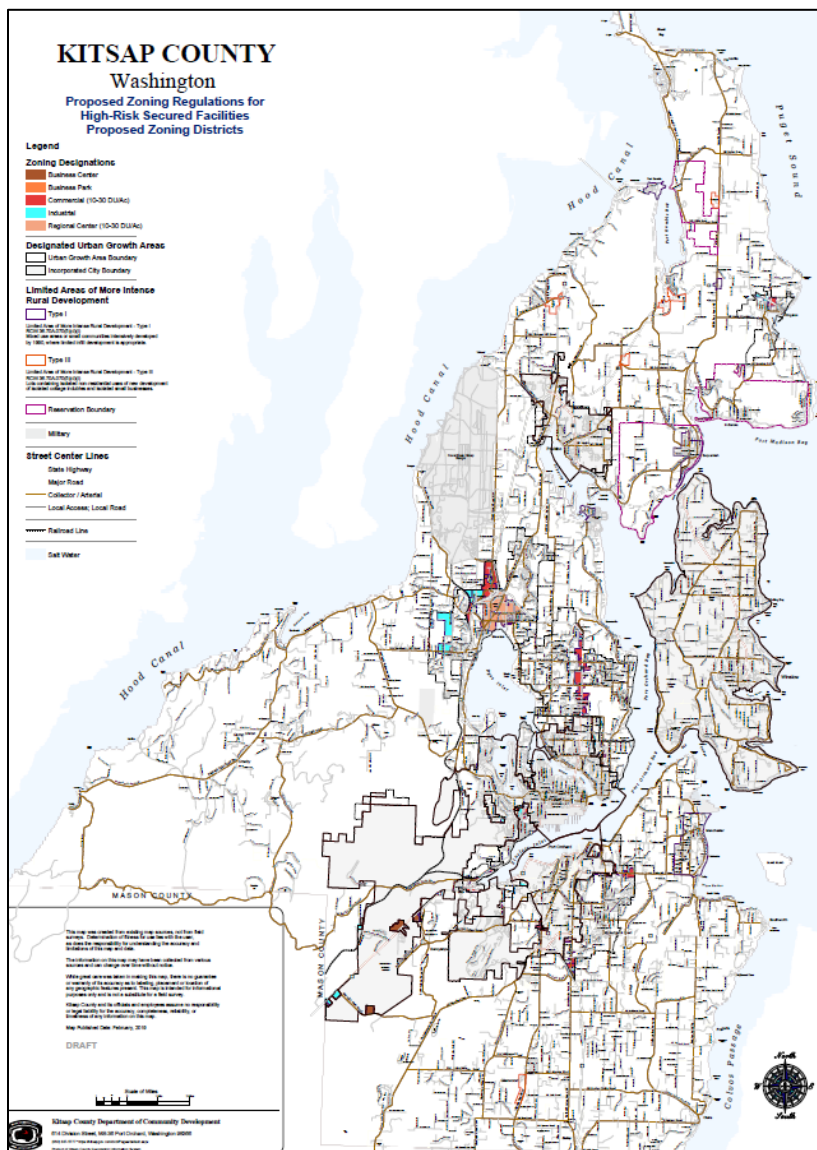


function of safety, security, and surveillance systems in the event of a power outage.

- Clarifies in Section 21.04.130 KCC that certain proposed uses, such as High-Risk Secured Facilities, require a neighborhood meeting.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendment will allow a High-Risk Secured Facility to be proposed in Urban Growth Areas in the Commercial, Regional Center, Business Center, Business Park, and Industrial zones.



## B. Environmental Elements [\[HELP\]](#)

### 1. Earth [\[help\]](#)

#### a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### b. What is the steepest slope on the site (approximate percent slope)?

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable to this non-project proposal. To be determined on an individual project basis.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

**2. Air** [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable to this non-project proposal. To be determined on an individual project basis.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

**3. Water** [\[help\]](#)

a. Surface Water: [\[help\]](#)

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable to this non-project proposal. To be determined on an individual project basis.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable to this non-project proposal. To be determined on an individual project basis.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable to this non-project proposal. To be determined on an individual project basis.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable to this non-project proposal. To be determined on an individual project basis.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

#### 4. **Plants** [\[help\]](#)

- a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other  
 evergreen tree: fir, cedar, pine, other  
 shrubs  
 grass  
 pasture  
 crop or grain  
 Orchards, vineyards or other permanent crops.  
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
 water plants: water lily, eelgrass, milfoil, other  
 other types of vegetation

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. What kind and amount of vegetation will be removed or altered?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. List threatened and endangered species known to be on or near the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

- e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 5. **Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. List any threatened and endangered species known to be on or near the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. Is the site part of a migration route? If so, explain.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

- e. List any invasive animal species known to be on or near the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 6. **Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Would your project affect the potential use of solar energy by adjacent properties?  
If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 7. **Environmental Health** [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

Not applicable to this non-project proposal. To be determined on an individual project basis.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable to this non-project proposal. To be determined on an individual project basis.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable to this non-project proposal. To be determined on an individual project basis.

4) Describe special emergency services that might be required.

Not applicable to this non-project proposal. To be determined on an individual project basis.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

### b. *Noise*

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable to this non-project proposal. To be determined on an individual project basis.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

## **8. Land and Shoreline Use** [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable to this non-project proposal. To be determined on an individual project basis.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable to this non-project proposal. To be determined on an individual project basis.

c. Describe any structures on the site.

Not applicable to this non-project proposal. To be determined on an individual project basis.

d. Will any structures be demolished? If so, what?

Not applicable to this non-project proposal. To be determined on an individual project basis.

e. What is the current zoning classification of the site?

Not applicable to this non-project proposal. To be determined on an individual project basis.



f. What is the current comprehensive plan designation of the site?

Not applicable to this non-project proposal. To be determined on an individual project basis.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable to this non-project proposal. To be determined on an individual project basis.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable to this non-project proposal. To be determined on an individual project basis.

i. Approximately how many people would reside or work in the completed project?

Not applicable to this non-project proposal. To be determined on an individual project basis.

j. Approximately how many people would the completed project displace?

Not applicable to this non-project proposal. To be determined on an individual project basis.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

## 11. *Light and Glare* [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

**12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

**13. Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable to this non-project proposal. To be determined on an individual project basis.

**14. Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable to this non-project proposal. To be determined on an individual project basis.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable to this non-project proposal. To be determined on an individual project basis.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable to this non-project proposal. To be determined on an individual project basis.

**15. Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable to this non-project proposal. To be determined on an individual project basis.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable to this non-project proposal. To be determined on an individual project basis.

**16. Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

Not applicable to this non-project proposal. To be determined on an individual project basis.

- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable to this non-project proposal. To be determined on an individual project basis.

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



Name of signee: Liz Williams

Position and Agency/Organization: Planner, Kitsap County

Date Submitted: 4/26/19

## D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This non-project action is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

Any future development permitted because of this proposal will be subject to the requirements and regulations governing the Kitsap Health District disposal methods. Discharge of materials is most likely to occur during construction of a proposed facility.

Proposed measures to avoid or reduce such increases are:

Facility construction, operation, and maintenance must comply with Chapter 10.28 'Noise' of the Kitsap County Code.

The proposed amendment requires that "a facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents".

Any future development permitted as a separate project-action will require a SEPA checklist to identify and mitigate potential impacts when a facility is proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This non-project action is not likely to deplete energy or natural resources. Any future development permitted because of this proposal will likely have an effect on plants, animals, fish, or marine life because of construction and operations.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Any future development must comply with Kitsap County Code Title 19 'Critical Areas Ordinance' and Title 22 'Shoreline Management Program'.

Any future development permitted because of this proposal is subject to the County's conditional use permit review process.

This allows for public input and conditions of approval tailored to the specific project site. These conditions address environmental impacts related to plants, animals, fish, or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

This non-project action is not likely to deplete energy or natural resources. Any future development permitted because of this proposal will likely increase energy usage because of construction and operation.

Proposed measures to protect or conserve energy and natural resources are:

Any future development will comply with Kitsap County Code requirements for energy conservation.

Any future development permitted because of this proposal is subject to the County's conditional use permit review process. This allows for public input and conditions of approval tailored to the specific project site. These conditions address issues related to consumption of energy or natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project action is not likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection. Any future development permitted because of this proposal has the potential to affect environmentally sensitive areas because of construction and operation.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any future development must comply with Kitsap County Code Title 19 'Critical Areas Ordinance' and Title 22 'Shoreline Management Program'.

Any future development permitted because of this proposal is subject to the County's conditional use permit review process. This allows for public input and conditions of approval tailored to the specific project site. These conditions address impacts affecting environmentally sensitive areas or areas designated for governmental protection.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This non-project action is not likely to affect land and shoreline use. Any future development permitted because of this proposal has

the potential to affect land and shoreline use because of construction and operation.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

Any future development must comply with Kitsap County Code Title 19 'Critical Areas Ordinance' and Title 22 'Shoreline Management Program'.

Any future development permitted because of this proposal is subject to the County's conditional use permit review process. This allows for public input and conditions of approval tailored to the specific project site. These conditions address issues related to land use compatibility, safety, and environmental impacts.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

This non-project action is not likely to increase demands on transportation or public services and utilities. Any future development will likely increase demands on transportation and public services and utilities because of operation.

**Proposed measures to reduce or respond to such demand(s) are:**

The proposed amendment requires that "principle access to the site shall be from a county-maintained right-of-way".

Any future development permitted because of this proposal is subject to the County's conditional use permit review process. This allows for public input and conditions of approval tailored to the specific project site. These conditions address issues related to transportation or public services and utilities, land use compatibility, safety, and environmental impacts.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

This non-project action does not conflict with local, state, or federal laws or requirements for the protection of the environment.