



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

<b>Report Date</b>	4/9/2019	<b>Revision:</b> N/A
<b>Hearing Date</b>	5/7/2019	
<b>Description</b>	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 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: 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).	
<b>Geographic Area Affected</b>	Commercial, Regional Center, Business Center, Business Park, and Industrial zones located in unincorporated Kitsap County	
<b>SEPA</b>	To be determined	
<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.

### **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 persons that are 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 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;
- 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 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.
- 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 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 to all landowners within a half mile when a facility is proposed to allow for public awareness and participation in the permit review process;
- requiring a neighborhood meeting prior to the County processing a permit application for a proposed facility;
- 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.
- 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**

No other alternatives are proposed at this time.

### **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 the City of Poulsbo does not currently regulate High-Risk Secured Facilities. 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 to 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 a 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 participation in the permit review process. Both of these permit review requirements go beyond what is required by surrounding jurisdictions.

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, 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 consistent and compatible zoning requirements. A meeting is scheduled with local city officials on Thursday, April 11, 2019 to review the proposed amendment (Attachment A). More information will be provided at the Planning Commission work study session scheduled for Tuesday, April 16, 2019 and in the final staff report. It is possible that further changes will be made to the proposed amendment because of coordination with the cities and the work study session with the Planning Commission. These changes will be reflected in the staff report issued prior to the Planning Commission public hearing scheduled for May 7, 2019.

#### 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 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.

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 will review the SEPA checklist prepared for this amendment and issue a SEPA threshold determination. It is anticipated the SEPA checklist and threshold determination will be completed prior to the Planning Commission public hearing tentatively scheduled for May 7, 2019.

Notice of the SEPA threshold determination will be:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper;

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

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) will begin with the final release of this 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 7, 2019 using one of the following methods:
  - Entered online via computer or mobile device;
  - Emailed to [lawilliams@co.kitsap.wa.us](mailto:lawilliams@co.kitsap.wa.us);
  - Mailed to 614 Division Street – MS-36, Port Orchard, WA 98366; or
  - Dropped off at the 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 tentatively scheduled at 5:30 PM on Tuesday, May 7, 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:
  - 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:

Report approved by:

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Dave Ward, Manager

## Attachments

- A – Draft Code for Planning Commission Review
- B – Interim Zoning Ordinance 566-2019
- C – Map of Proposed Zones that Allow a High-Risk Secured Facility
- D – Comparison of Allowed Uses by Surrounding Jurisdictions
- E – Summary of Public Comment and Staff Responses as of April 4, 2019



# Kitsap County Department of Community Development

Internal Working Draft – Not for Public Distribution



**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)	--	--	



# 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													
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.

**INTERIM ZONING ORDINANCE 566-2019****ADOPTING INTERIM REGULATIONS FOR GROUP RESIDENTIAL FACILITIES  
– SECURED HIGH RISK**

**WHEREAS** in 1990, Washington State became the first state to pass a law, chapter 71.09 RCW, authorizing indefinite civil commitment of individuals found by Superior court to be a Sexually Violent Predator (SVP);

**WHEREAS** individuals that are civilly committed as SVPs 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;

**WHEREAS** in 1991, a civil rights lawsuit was filed in federal district court alleging violations of the constitutional rights of individuals that were civilly committed under the law;

**WHEREAS** in 1994, the Federal District Court for Western Washington entered an order and injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individuals' opportunity to demonstrate their reduced risk and ordered the state to explore alternatives;

**WHEREAS** in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if a SVP is eligible for placement in a LRA;

**WHEREAS** a LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility;

**WHEREAS** Washington State does not regulate the location or land use and life safety impacts of community based LRAs;

**WHEREAS** the Kitsap County Board of County Commissioners (Board) has determined that current county regulations do not define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within Kitsap County as well as the neighbors;

**WHEREAS** 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;

**WHEREAS** the Board has authority to adopt interim zoning regulations to protect public health and safety pursuant to RCW 36.70A.390 and RCW 36.70.795; and

**WHEREAS** the Board desires to enact interim regulations to protect public health and safety in a way that mitigates land use and life safety impacts without precluding the state-mandated placement of housing for persons that are civilly committed and conditionally released to a LRA to total confinement.

**NOW THEREFORE BE IT ORDAINED:**

**Section 1. Recitals Incorporated.** The recitals set forth above are hereby adopted as the Kitsap County Board of Commissioner's findings in support of the regulations imposed by this ordinance.

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

**17.11.316 Group Residential Facility – Secured High Risk**

“Group Residential Facility – Secured High Risk” means a facility on a single lot serving one to four persons civilly committed and conditionally released to a less restrictive alternative in accordance with Chapter 71.09 RCW. A group residential facility – secured high risk has supervision, security, and ensures the provision of sex offender treatment services. This does not include a single person placed in a non-facility residence with a family member(s) as defined in Section 17.110.270.

**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)	RC (19)(48) (57)(88) (101)	UVC (30)	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												
<b>RESIDENTIAL USES</b>												

Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification	Categorical Use	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)
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	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)	ACUP P (41)	--	
108	Bed and breakfast house or vacation rental	--	--	ACUP C (34)	ACUP C (34)	ACUP (79)	ACUP C (34)	--	--	--	--	--	
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)	--	--	--	--	--	--	--	--	--	--	--	
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)	--	--	--	--	--	--	

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													
136	Group Residential Facility -- Secured High Risk (1)	C	C					C	C	C			
<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	--	
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)	--	--	--	

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													
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)	--	--	
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	--	--	--	--	--	--	--	

Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification	Categorical Use	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)
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	--	--	--	--	--	--	--	
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	

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													
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	
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	--	--	



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													
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>													
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	--	

Comprehensive Plan Land Use Designation		Urban High Intensity Commercial		Urban Low Intensity Commercial			Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	
Zoning Classification	Categorical Use	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)
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)	--	
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.

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;
  - 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;
- 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;
  - (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:
  - (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;
- 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;
- (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 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;
- 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. Community Residential Facility – Secured High Risk. A community residential facility – secured high risk shall comply with the following conditions:

- a. The County shall hold a neighborhood meeting prior to a public hearing for a proposed community residential facility – secured high risk. The project applicant shall cover all meeting costs.

b. The County shall provide community notification to all landowners within a half mile radius of a proposed community residential facility – secured high risk at least two weeks prior to a neighborhood meeting. The project applicant shall cover all community notification costs.

c. A community residential facility – secured high risk shall not be located adjacent to, immediately across a 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 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 community residential facility – secured high risk 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 community residential facility – secured high risk and from all property lines of the facilities and grounds of a public or private school.

e. A community residential facility – secured high risk 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. If a person's liberty is restricted or a person is not capable of self-preservation without physical assistance, a community residential facility – secured high risk shall be equipped with an automated fire sprinkler system as required by building code.

h. If windows/doors are required to be secured, the community residential facility – secured high risk shall have a system to automatically release locks which shall be interlocked with the fire protection system.

i. A community residential facility – secured high risk shall have backup power sufficient to energize the safety and security 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 17.410.050(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 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.~~

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, t~~ 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

**Section 6.** **Public Hearing.** This ordinance is being adopted as an interim measure to mitigate land use impacts of housing for persons that have been civilly committed and conditionally released to a less restrictive alternative. The Department of Community Development is directed to continue developing a permanent Ordinance which will be considered at a public hearing on March 25, 2019 as authorized by RCW 36.70.795.

**Section 7.** **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.


**Section 8.** **Clerical/Typographical Error.** Should this Ordinance, upon being enacted by the Kitsap County Board of Commissioners during its deliberations on February 6, 2019, have anything inadvertently left out or in error upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

**Section 9.** **Effective Date.** This ordinance shall take effect immediately upon adoption.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON**

  
\_\_\_\_\_  
**EDWARD E. WOLFE**, Chair

  
\_\_\_\_\_  
**CHARLOTTE GARRIDO**, Commissioner

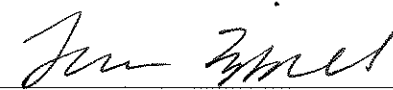
  
\_\_\_\_\_  
**ROBERT GELDER**, Commissioner

ATTEST:

  
\_\_\_\_\_  
Dana Daniels, Clerk of the Board



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Laura Zippel, Deputy Prosecuting Attorney



# KITSAP COUNTY

## Washington


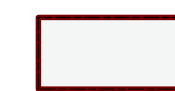
### Proposed Zoning Regulations for High-Risk Secured Facilities Proposed Zoning Districts

#### 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





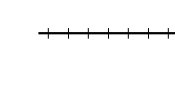

##### Limited Areas of More Intense Rural Development

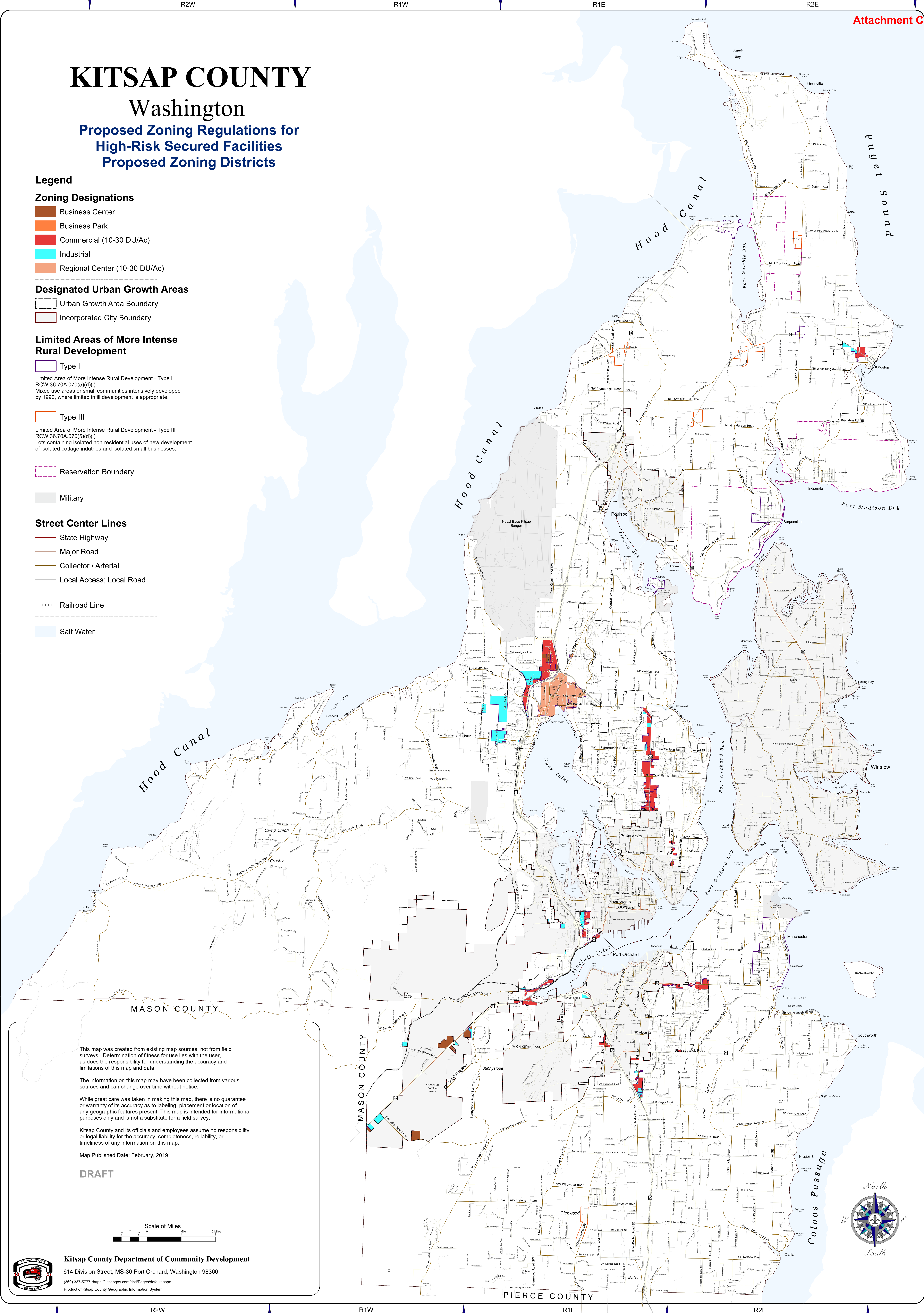
-  Type I  
Limited Area of More Intense Rural Development - Type I  
RCW 36.70A.070(5)(d)(i)  
Mixed use areas or small communities intensively developed by 1990, where limited infill development is appropriate.
-  Type III  
Limited Area of More Intense Rural Development - Type III  
RCW 36.70A.070(5)(d)(ii)  
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.

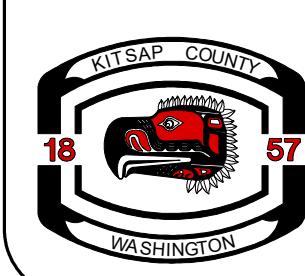
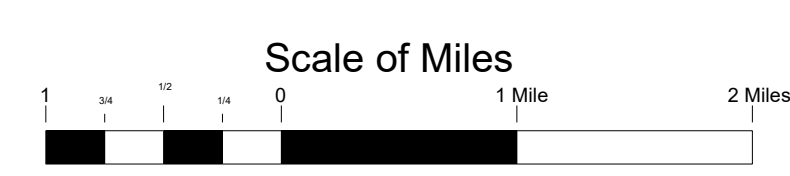
The information on this map may have been collected from various sources and can change over time without notice.

While great care was taken in making this map, there is no guarantee or warranty of its accuracy as to labeling, placement or location of any geographic features present. This map is intended for informational purposes only and is not a substitute for a field survey.

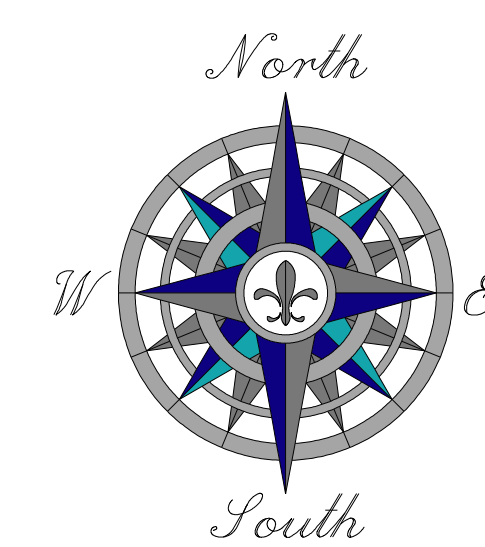
Kitsap County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, or timeliness of any information on this map.

Map Published Date: February, 2019

**DRAFT**



**Kitsap County Department of Community Development**  
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Product of Kitsap County Geographic Information System





**High-Risk Secured Facilities**  
**Comparison of Similar Uses by Surrounding Jurisdiction**

Jurisdiction	Name of Use	Definition	Allowed Zone	Permit Requirement
City of Port Orchard	Community residential facility (CRF – prisoner release)	Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services for a group of individuals comprising more than a family (eight or more individuals excluding staff), including but not limited to counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification, specifically for prisoner release participants and programs such as halfway houses.	Residential – 20 units/acre	Conditional Use Permit
			Community Facilities	Conditional Use Permit
City of Bremerton	Group residential facility - Class II	A group care residence for juvenile delinquents, persons serving a sentence in lieu of confinement, persons needing correctional or mental rehabilitation, or persons needing rehabilitation and treatment for social and/or family problems, drug or alcohol addiction, or abuse. This definition includes programs providing alternatives to imprisonment; transition back into the community including prerelease, work-release, and probationary programs that are under the supervision of a court, state, or local agency. Teaching of work or social skills may be provided in this class facility but it does not include drug or alcohol detoxification centers.	Freeway Corridor	Conditional Use Permit
			Industrial	Conditional Use Permit
City of Poulsbo	Does not currently regulate			
City of Bainbridge Island	Group care facility	a facility licensed by the state, that provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the	Residential - 0.4 to Residential - 8	Conditional Use Permit



# Kitsap County Department of Community Development

Jurisdiction	Name of Use	Definition	Allowed Zone	Permit Requirement
		effects of drugs or alcohol; provided group care facilities shall not include day care centers, family day care homes, foster homes, schools, hospitals, jails, prisons, or health care facilities. This use also includes facilities that would meet the definition of a small group living facility except that they house more than six residents (not including caregivers).	Residential – 14	Permitted
			Central Core Overlay	Permitted
			Madison Avenue Overlay	Permitted
			Ericksen Avenue Overlay	Permitted
			Gateway Overlay	Permitted
			Ferry Terminal Overlay	Conditional Use Permit
			High School Road Districts I and II	Permitted
			Neighborhood Center	Permitted
			Water-Dependent Industrial	Conditional Use Permit
Pierce County	Group Home	Living accommodations for seven or more unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services, and transportation. Examples of uses include group homes for the handicapped including, but not limited to, physically or mentally	Moderate Density Single-Family	Conditional Use Permit
			Mixed Use District	Conditional Use Permit



# Kitsap County Department of Community Development

Jurisdiction	Name of Use	Definition	Allowed Zone	Permit Requirement
		challenged individuals, boarding homes, foster homes, women's shelters, and chemical and alcohol rehabilitation facilities (other than addiction caused by current, illegal use of a controlled substance).	High Density Residential	Conditional Use Permit
			Major Urban Center	Conditional Use Permit
			Community Center	Conditional Use Permit
			Neighborhood Center	Conditional Use Permit
			Public Institution	Conditional Use Permit
King County	Community Residential Facility (CRF)	Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified in K.C.C. 21A.08.050 as health services, and excluding a secure community transition facility as defined in R.C.W. 71.09.020 and in this chapter. For purposes of domestic violence shelters, minors living with a parent shall not be counted as part of the maximum number of residents. CRFs are further classified as follows: A. CRF-I -- Nine to ten residents and staff; B. CRF-II -- Eleven or more residents and staff. If staffed by nonresident staff, each twenty-four staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.	Rural Area	Conditional Use Permit
			Urban Reserve	Conditional Use Permit
			Residential 1-8	Permitted/Conditional Use Permit
			Residential 12 – 48	Permitted
			Neighborhood Business	Permitted
			Community Business	Permitted
			Regional Business	Permitted
			Office	Permitted



# Kitsap County Department of Community Development

## Staff Responses by Topic to Public Comment

As of April 2, 2019, the Kitsap County Department of Community Development has received 70 public comments regarding the interim ordinance regulating Group Residential Facilities- Secured High Risk. All public feedback received is attached in the public comment matrix and exhibits that follow. The concerns raised, and staff responses are summarized by topic below:

Response #	Topic and Staff Response
1	<p><b>Ban these facilities from being built in Kitsap County</b></p> <p>We understand concerns with the impact these facilities may have in Kitsap County. Local communities are not able to ban these facilities from being built because state law requires counties and cities to allow these facilities. However, the County can adopt regulations that ensure neighborhood compatibility and safety by:</p> <ul style="list-style-type: none"><li>• restricting these facilities to certain zones;</li><li>• limiting their proximity to risk potential facilities, such as schools, to the extent allowed under state law;</li><li>• requiring landowners within a half mile of a proposed facility to receive notification so they are aware of the applicant’s request and can participate in the permit review process;</li><li>• Holding a neighborhood meeting prior to processing a permit application; and</li><li>• Requiring a public hearing before the County’s hearing examiner</li></ul>
2	<p><b>Status of the existing facility on Viking Way</b></p> <p>Several public comments discuss concerns regarding the existing facility on Viking Way and question whether it is a permitted use in a residential zone. The Department of Community Development sent a notice of violation to the landowner and property manager on March 5, 2019 that determined the existing facility was in violation of Title 17, Kitsap County Zoning Code, for maintaining an unpermitted use. The landowner and property manager have appealed the Department’s determination. The appeal will be considered by the County’s Hearing Examiner. As of March 28, 2019, a date has not been set for the appeal hearing.</p>
3	<p><b>Outings in the community &amp; supervision</b></p> <p>We understand concerns related to court-approved community outings. Unfortunately, local communities are not able to regulate the operations of these facilities, staff training, or limit outings in the community. These provisions are put in place by superior court and Kitsap County has no authority in court proceedings. We encourage you to reach out to your state representatives to address your concerns with facility operations and outings.</p>





# Kitsap County Department of Community Development

Response #	Topic and Staff Response
<p><b>4</b></p>	<p><b>Proximity to schools, residential neighborhoods, and other risk potential facilities and the economic impact of a proposed facility</b></p> <p>We understand concerns with siting these facilities close to schools, residential neighborhoods and other risk potential facilities. State law only allows local communities to restrict these facilities from be located within 880-feet from a school. In addition, the ordinance restricts facilities from being located adjacent to, across the street from, or within the line of sight of the following facilities: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing.</p> <p>We also understand concerns with the economic and neighborhood impacts these facilities may have on the surrounding area. This is one of the reasons Kitsap County is requiring a Conditional Use Permit (CUP) for these facilities. The CUP process is when a proposed facility is evaluated to ensure that it is compatible with the surrounding neighborhood. The CUP process also requires a public hearing and is reviewed by the County’s Hearing Examiner. If the Hearing Examiner determines during the CUP review process that the proposed facility will have a detrimental impact and will not be compatible with the surrounding neighborhood, the applicant’s request may be denied.</p>
<p><b>5</b></p>	<p><b>Siting these facilities in or near Bremerton</b></p> <p>The interim ordinance only applies to unincorporated Kitsap County and not the City of Bremerton. The City of Bremerton has its own zoning requirements that allow these facilities in the City’s industrial and freeway corridor zones.</p> <p>Like the City of Bremerton, Kitsap County requires a Conditional Use Permit (CUP) for these facilities. The CUP process is when a proposed facility is evaluated to ensure that it is compatible with the surrounding neighborhood. The CUP process for Kitsap County requires a public hearing before the County’s Hearing Examiner. If the Hearing Examiner determines during the CUP review process that the proposed facility will have a detrimental impact and will not be compatible with the surrounding neighborhood, the applicant’s request may be denied.</p> <p>Unlike the City of Bremerton, Kitsap County also:</p> <ul style="list-style-type: none"> <li>• Requires notification to all landowners within a half mile when a facility is proposed to ensure they have an opportunity to participate in the permit review process;</li> <li>• Requires a neighborhood meeting prior to processing a permit</li> </ul>



# Kitsap County Department of Community Development

Response #	Topic and Staff Response
	<p>application; and</p> <ul style="list-style-type: none"> <li>Restricts placement of these facilities within 880 feet of public and private schools. In addition, a proposed facility cannot be located adjacent to, across the street from, or within the line of sight of the following facilities: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing.</li> </ul>
<p><b>6</b></p>	<p><b>Community notification when a facility is proposed</b></p> <p>The interim ordinance requires Kitsap County to mail notification to all landowners within a half mile when the Department of Community Development receives a permit application for a proposed facility. Kitsap County also requires the applicant to hold a neighborhood meeting and have their project proposal reviewed at a public hearing before the County’s Hearing Examiner. A half mile radius was selected because it is consistent with the Sheriff’s Office community notification standards. There was a suggestion to mail notification to the school district even if there is not a school located within the half mile notification radius to ensure they have an opportunity to participate in the permit review process. The Department can propose in the final ordinance that the school district receive notification regardless of a school’s proximity to a proposed facility.</p>
<p><b>7</b></p>	<p><b>Impact on local police services</b></p> <p>We understand concerns related to the impact these facilities may have on local police services. It is the Department’s understanding that the Washington State Department of Corrections is monitoring the occupants of these facilities on a 24/7 basis using GPS monitoring and in certain circumstances security cameras. There are also court-ordered staffing requirements at facilities that typically require 24/7 supervision. In addition, the Kitsap County Sheriff’s Office is required to visit these facilities every 90 days. State law also allows local law enforcement the authority to intervene if the court-ordered conditions of release are violated.</p>



PUBLIC COMMENT MATRIX: INTERIM ORDINANCE FOR GROUP RESIDENTIAL FACILITIES – SECURED HIGH RISK				
Comment #	Name	Comment Type	Comment	Staff Response
1	Pamela Benson	2/25/2019 Board Meeting	I am the executive director of Washington State for Public Safety, a grassroots group that organized over concern with the siting of a Level III Sexually Violent Predator residence in our community. We want to thank the Kitsap County Commissioners for adopting the Interim Ordinance to prevent similar siting in residential neighborhoods in Kitsap County. However, we believe the county needs to take further action to close the existing home on Viking Way, known as the Poulsbo House. There is no basis for this residence to operate in a rural residential area as a single-family home. The home is clearly not a single-family residence and the business conducted there is not in compliance with the law. Why is the County allowing this business to operate illegally in a residential neighborhood? The community risk posed by this residence are numerous, grave, and alarming. The siting of this home has caused fear and anxiety to neighbors and the community. There is also a financial burden for property owners in the area, research has shown that this business will have a negative impact on property values in the area. We ask that the County to take appropriate measures to abate the premises. We would also like to provide information our research team developed (Exhibit 1).	Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns with the existing facility on Viking Way.
2	John Busby	2/25/2019 Board Meeting	I want to thank the Commissioners for the Interim Ordinance. I hope it goes further. We moved here 3 years ago but our piece of paradise has been compromised. We now use our security system. My wife makes me deadbolt the house all the time. This is not something that is unique to our family. I am angry. Not at you, I appreciate everything you've done. Will this ordinance preclude the second house on the existing property from being used as an LRA?	Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns regarding the existing facility on Viking Way.



# Kitsap County Department of Community Development

3	Nina Huber	2/25/2019 Board Meeting	<p>I am here to read a statement from Becky Hoyt. Thank you, Commissioners for taking the steps to pass this Interim Ordinance. I support this action. While I think this is a good first step, I invite you to put yourself in my shoes for a minute. I live off Viking Way less than a half mile from the four sexually violent predators living at the Poulsbo House. I have two daughters ages six and two. My husband travels for business and is often out of town. I no longer feel safe in my neighborhood. I have installed additional locks on all my doors and windows. We have added motion lights around the perimeter of our home. My children are no longer allowed to play in the back yard without an adult. I worry about accidentally leaving a bike, sled, or basketball outside making it obvious that I have children living in my home. I don't know if my child is safe riding the bus. I have read reports that these men harming children on their way home from school. When I called the principal of our school, she was not even aware of the Poulsbo House. The districts safety manager and superintendent have not returned my phone calls. I wonder if the elementary school teachers at Pierson even know about this. While I am supporting the ordinance being discussed tonight, I am requesting that our local government take appropriate action to close the Poulsbo House. If the appropriate codes were reviewed, I am sure they will come to the conclusion this business is operating illegally and must be shut down to protect the safety and welfare of our community.</p>	<p>Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns regarding the existing facility on Viking Way and staff response #6 which discusses your concerns with community notification.</p>
4	Charles Hamon	2/25/2019 Board Meeting	<p>I am a retired physician and live in the Poulsbo area, right across the street from the Poulsbo House being discussed tonight. I would like to thank you for taking the action you have taken. From my perspective this came on like a landslide. There was no warning and all of a sudden, our environment changed from one that was peaceful and quite to a lot of tension, fear, and anxiety. When this ordinance passed, it felt good to have an idea that there was maybe some relief from this feeling we were strapped with. I would say that we would</p>	<p>Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns regarding the existing facility on Viking Way.</p>

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			benefit tremendously from getting the existing facility removed. It doesn't seem right that we spend the rest of our life in fear. I would ask that you do your best to make that happen.	
5	Dan Defenbaugh	2/25/2019 Board Meeting	I am here to support your Interim Ordinance. I would like to quote from the ordinance, "Whereas Washington State does not regulate the location or land use and life safety impacts of community based LRAs". I appreciate you putting that in there, that is my concern. The State has not been involved in keeping our community safe. My concern is on the outings that these SVPs are already approved to visit in our communities. They are out in the community. I understand the concept of the treatment provider and understand she is working with these people. When they are out on an outing they are chaperoned by someone who is required to carry a cell phone, but they have no physical restraint training. DSHS needs to require these chaperones to complete physical restraint training to stop one of these predators from reoffending. If they see one of my grandchildren out in the community on an outing, I do not want them to be triggered and cause them to act out. I thank you for the ordinance, there is more work to be done. My goal is to do whatever we can to shut down the existing facility. I have some paperwork (Exhibit 2) that has additional information on the individuals living in the Poulsbo House.	Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns regarding the existing facility on Viking Way and staff response #3 which discusses your concerns with community outings.
6	BJ Benson	2/25/2019 Board Meeting	I am a property owner on Viking Way and I have two daughters that I am very protective of. Our lifestyle and feeling about our community has completely changed. I no longer feel comfortable letting them be outside in the front yard alone if I cannot get to them physically in a specific period of time. It has been life changing event. I appreciate you moving forward with your actions but again as Dan mentioned, they are out in the community. I doubt many of them would recognize them if they were out there. People look different in different environments. It is a big deal and our kids are involved. This needs to go further and this house needs to be shut down.	Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns regarding the existing facility on Viking Way and staff response #3 which discusses your concerns with community outings.



# Kitsap County Department of Community Development

Attachment E

7	Rory Jansen	3/12/19 Online	Thank you for developing this ordinance. Recommend that it further state that the homes cannot be within .25 of school bus stops and .5 mile from a school or daycare facilities.	Thank you for your comment. Please see staff response #4 which discusses your concerns with proximity to schools and daycare facilities.
8	Mariana Tomas-Savage	3/17/19 Online	I strongly oppose building such a facility in Kitsap. These offenders can practice being good somewhere else. The statistic may show low recidivism rates, but that doesn't mean they have changed, it just means they haven't been caught. We cannot be putting our children and girls at risk.	Thank you for your comment. Please see staff response #1 which discusses why we cannot restrict these facilities from being built in Kitsap County.
9	Colleen Hultin	3/18/19 Online	Please see Exhibit 3	Thank you for your comment. Please see staff response #1 which discusses why we cannot restrict these facilities from being built in Kitsap County.
10	Ryan Edgemon	3/19/19 Online	I do not believe the interim ordinance zone restrictions: <ul style="list-style-type: none"> <li>o Commercial</li> <li>o Regional Center</li> <li>o Industrial</li> <li>o Business Park</li> <li>o Business Center</li> </ul> are restrictive enough. As many of these zone types can still be very near to schools and family housing areas. Any candidate zone, listed above, should also have to meet a significant minimum distance to schools requirement.	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near schools and residential neighborhoods.
11	Matt S.	3/20/19 Online	As we found with the Poulsbo SHR controversy, Kitsap County is deeply concerned with the placement of a SHR facility close to	Thank you for your comment. Please see staff

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			<p>neighborhoods, which is of course a valid concern. Further, with Kitsap County in the middle of an influx of new citizens, it's ripe for an economic revitalization in many of the zoned commercial areas listed as potential homes for an SHR facility, particularly the 303 corridor on Bremerton's East Side. I cannot even begin to comprehend the absolute failure of leadership that would be behind placing a highly controversial housing facility dedicated to proven sexually violent perpetrators in areas in dire need of economic stimulation, as the placement of such a facility would permanently label whatever area it is placed in as extremely dangerous and unfit for families to live in or near. I understand that sexually violent people are people and citizens, and that they need this housing to complete their rehabilitation, but I urge the leadership of Kitsap County to not make the egregious mistake of placing it in an area that would severely damage Kitsap County's economic recovery.</p>	<p>response #4 which discusses your concerns with the economic impact these facilities may have on the surrounding area.</p>
12	Robert Reiher	3/20/19 Online	<p>The proposal to establish secure high risk housing for SVPs in suburban neighborhoods immediately puts children at unacceptable risk, regardless of constraints to locations as proposed. While evidence suggests that many SVPs will not reoffend, despite the Level III category of posing "high risk to reoffend," that fact remains that some of the SVPs placed into our community WILL reoffend... someone's child WILL be harmed as a result of the proposal. Quoting from The Leadership Council on Child Abuse and Interpersonal Violence at <a href="http://www.leadershipcouncil.org/1/res/rcd.html">http://www.leadershipcouncil.org/1/res/rcd.html</a> "The dry research figures only confirm what I have seen over and over in this field: there are a lot of sexual offenses out there and the people who commit them don't get caught very often. When an offender is caught and has a thorough evaluation with a polygraph backup, he will reveal dozens, sometimes hundreds of offenses he was never apprehended for. In an unpublished study by Pamela Van Wyk, 26 offenders in her incarcerated treatment program entered the program admitting an average of 3 victims each. Faced with a polygraph and the necessity of</p>	<p>Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities in or near Bremerton and residential neighborhoods.</p>



# Kitsap County Department of Community Development

			<p>passing it to stay in the treatment program, the next group of 23 men revealed an average of 175 victims each." I fully support Mayor Wheeler's intention of "...writing a comment letter on behalf of the City that opposes the current broad proposal to locate these facilities in the County's general commercial areas..." Thank you.</p>	
13	John Friedman	3/20/19 Online	<p>I want to express my concern regarding the proposed housing of Level 3 High Risk Sex offenders in the Bremerton Washington area. To be perfectly blunt, we have enough problems with drug, alcohol and associated petty criminal activity in this city. We do not need the added worry for our children and general population living among high risk sex offenders. There are schools, parks, sporting complexes as well nature areas surrounding the proposal areas that would be all too convenient for criminal sexual activities. Where will the additional police surveillance needed for these venues come from? Will the county provide additional personnel? Have the many schools and associated PTA groups been advised of your proposal? What has been their reaction? I have forwarded the email notice I received from Bremerton Mayor Wheeler regarding this matter to over a dozen fellow neighbors, friends and business owners in the area. I hope you receive their comments and concerns and take these under advisement.</p>	<p>Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities close to schools, parks, sporting complexes and in or near Bremerton, staff response #6 which discusses community notification requirements, and staff response #7 which discusses your concerns with the impact on local police service.</p>
14	Monica S	3/20/19 Online	<p>I echo a lot of the comments posted here. I appreciate the ordinance but would prefer zones that have schools and parks nearby to not be considered for SVP housing. Or, at the very least, like Ryan E. mentioned a significant minimum distance should be required for SVP housing when the locations are near schools &amp; neighborhoods, and additionally: bus stops, day cares, parks, soccer fields etc. I am also strongly against placing these types of facilities in business districts that are experiencing a revival and agree with Matt S. that it would be detrimental to the economic recovery in those areas.</p>	<p>Thank you for your comment. Please see staff responses #4 which discusses your concerns with siting these facilities near schools parks and the economic impacts these facilities may have on surrounding neighborhoods.</p>





15	John A.	3/20/19 Online	SVP facilities have no part being placed anywhere in Bremerton. This area is already ripe with crime and other problems, at risk teen youth, drug use, and a difficulty for law enforcement to keep up with the existing riff-raff. If growing our community responsibly is on the table as we continue to receive pressure from Seattle overflow, the last thing we need is high risk predators in our community.	Thank you for your comment. Please see staff response #5 which discusses your concern with siting facilities in or near Bremerton. Please also see the staff response #1 which discusses why the County is not able to restrict these facilities from being built.
16	Victor Vlist	3/21/19 Online	Hello, as a property owner in downtown Bremerton I wanted to show my support for the proposal to locate housing for Level 3 Sex Offenders. I believe the area around Fred Meyer is perfect for this purpose. I think it's a nice choice because its close to Kitsap Mental Health. Not so sure if the selected area around Wycoff is a good choice though. Maybe further up the hill would be better? Just my two cents!	Thank you for your comment and support for the interim ordinance.
17	M Diane Manning	3/21/19 Online	I am opposed to the proposed zoning for these facilities, in particular, the Perry Avenue Mall area and the Highway 303 corridor near Fred Meyer, Walmart, Lowes. Both of these areas are right next to single family residential neighborhoods, and very close to day care facilities and schools. It is a terrible location for a facility such as this. More appropriate locations would be in industrial zoned areas away from neighborhoods and schools.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools, day care facilities, and residential neighborhoods in or near Bremerton.
18	Riyan Maule	3/21/19 Online	I oppose the proposition of these types of criminals anywhere near a city limit absolutely detestable. Keep them away from our neighborhoods and our children.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near



				<p>schools, day care facilities, and residential neighborhoods in or near Bremerton.</p>
19	E	3/21/19 Online	<p>These high risk sexual predators belong far away from areas where children live. They should not be allowed to live anywhere within miles of children, or a town, in my opinion. Perhaps a facility such as Western State Hospital is best equipped to house and supervise these high risk offenders. They should NOT be a burden on Kitsap communities any longer than they already have been. Our children deserve to be safe.</p>	<p>Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near schools, day care facilities, and residential neighborhoods. Please also see staff response #1 which discusses why Kitsap County cannot say no to these facilities.</p>
20	Jim McDonald	3/22/19 Online	<p>I disagree with the concept of placing group homes in Commercially zoned areas. Would you want to live there? There was nothing wrong with the Poulsbo location other than "not in my backyard" revolt that caused this un-needed changes in zoning and will cost the taxpayers money to pay for the lawsuits and other legal challenges. There are many kids and teens that spend time away from supervision at commercial establishments. The proposed plan increases risks to these individuals.</p>	<p>Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near risk potential facilities.</p>
21	Anita	3/22/19 Online	<p>Do not allow these violent predators to live in or near our Bremerton. These violent offenders belong somewhere else where they will not endanger those of us who are not criminals. Our kids should not be endangered!</p>	<p>Thank you for your comment. Please see staff response #5 which discusses your concerns with siting these facilities in or near Bremerton and staff response #1 which discusses</p>



# Kitsap County Department of Community Development

				why Kitsap County cannot say no to these facilities.
22	David	3/22/19 Online	Yeah, I don't want these individuals anywhere NEAR the general public. They should really go back to the penal island that they shouldn't have been allowed to leave in the first place. This is a huge NO from me. Also, what's up with the light prison terms when they have committed 50+ crimes? 100% BS.	Thank you for your comment. Please see staff response #1 which discusses why Kitsap County cannot say no to these facilities.
23	Kurt Larson	3/23/19 Online	This is completely unacceptable to have this zoning disproportionately effect concentrated areas and neighborhoods such as the area where I live off of Riddell near the Illahee Preserve. There is already issues in our area with the revolving door of homeless and mental health patients that flow in and out of Kitsap Mental Health and into homeless encampments in the reserve. This amounts to an undue burden of safety concerns and determent of property value imposed upon residents, families with children, and home owners such as myself, that should be dispersed and not concentrated to areas of arbitrary designation. I vehemently oppose this and will be a highly outspoken and loud advocate against this. This must not move forward.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with proximity to residential neighborhoods in or near Bremerton and economic impacts of these facilities.
24	Concerned citizen	3/23/19 Online	I find it interesting that we can speak on this topic when our kids have not been protected here in Kitsap. I know someone that was a registered sex offender but committed a crime in the military protecting his identity and he lived 1 min. away from a school in Bremerton. He also had access to kids and was never arrested. We can say all we want but the kids are not protected. This should not be a choice it should be automatic...no access or living anywhere near potential victims..kids and disabled.	Thank you for your comment. Please see staff response #4 which discuss your concerns with proximity to risk potential facilities and residential neighborhoods.
25	Michael Kelly	3/23/19 Online	It's unimaginable that you would even consider putting sex predators in Bremerton neighborhoods, and schools. This needs to stop. There	Thank you for your comment. Please see staff response #4 and #5 which



			are always alternatives, please consider that before making this decision.	discuss your concerns with siting these facilities near schools and residential neighborhoods in or near Bremerton.
26	Christ Ramirez	3/24/19 Online	I am opposed to the proposed zoning for these facilities in Bremerton area for the safety of the residents and most of all the children of Bremerton.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhoods in or near Bremerton.
27	Denise Frey	3/25/19 Online	As a resident of the City of Bremerton who lives just a block away from the County's boundary with the City, I am deeply concerned about the risk this new ordinance poses for my neighborhood and those adjacent to it. The City/County boundaries in Bremerton either bisect or are directly adjacent to established neighborhoods. Many of our local residents are not aware of the boundaries and the impact they have on their lives. While I appreciate the difficult challenge it must be to find a location that would be suitable for the placement of group facilities for high-risk sexually violent predators, I must object to the County's rezoning of areas near boundaries with the City of Bremerton to allow such placement. In this new ordinance, the County has zoned several areas as "Commercial or Industrial" that either bisect or are directly adjacent to established neighborhoods and have deemed these areas as appropriate for these facilities. Families literally living right across the street from one other have dramatically different zoning. These areas also happen to be locations wherein low-income, subsidized housing has been or is planned to be built. We should all be concerned about the further real or perceived	Thank you for your comment. Please see the staff response #4 and #5 which discuss your concerns with siting these facilities near residential neighborhoods in and near Bremerton.



			<p>marginalization of these residents, whether they live within the City or County jurisdiction. I also need to make you aware of the perception of many of us here in Bremerton that the County has "kicked this can" from the relatively affluent Poulsbo area down to Bremerton. Whether or not this perception is based in fact, I need to remind you that there are many residents of Bremerton who live in unincorporated areas and depend on the County for protection. Thank you for all you do for our County and its residents (and those who live nearby!).</p>	
28	Veronica Bassen	3/25/19 Online	<p>First, I don't envy anyone that has to work on this issue, it seems challenging to say the least and I understand that the proposed ordinance will have to comply with State requirements. Having said that I do have one area of concern related to the inclusion of the Industrial Zone as a proposed zone for these residential facilities. On its face Industrial Zoning (IND) sounds appropriate because it is not intended for residential living or use. There is one area of the County where that isn't the case however and that is the strip of Industrial Zoned properties in West Bremerton sandwiched between Bremerton Blvd and S National Ave as you can see on the attached map (Exhibit 4). It is an older neighborhood with lots of homes built around the 40s and 50s, predating the Industrial Zoning designation that was placed on top of it. While roughly 10 or so of these properties (the ones that front National) do contain commercial/industrial businesses and uses (auto repair, window, appliance repair, etc.) just looking at the map at least 70- 80 of the properties contain single family residences (the majority do not front National). Looking over the additional restrictions on the Group Homes being discussed, one is for schools or school bus stops. This little neighborhood is close to a school but not .25 miles from it. But because it is within 2 miles there aren't any school bus stops because the homes are too close to require bus service. I'm hopeful that the adopted ordinance would not encourage targeting this little area over other areas in the County just because</p>	<p>Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities in or near Bremerton residential neighborhoods and the economic impact of a proposed facility.</p>



			the zoning over of this largely single-family neighborhood happens to be Industrial. This is generally a lower property value/lower income area and I hope that the intention of a proposed ordinance would not be to skew allowing these group homes in this area, more than any other area in the County.	
29	Richard Becker	3/25/19 Online	I am opposed to locating high risk sex offenders in places that are zoned for residential purposes. The offenders now living on Viking Way should have never been permitted to locate in that setting and should be moved as soon as possible to a place that is more appropriate for a facility that is essentially a jail without walls. I believe the state has failed the community by not keeping high risk sex offenders at McNeil Island until after competent medical authority can certify the individual will not reoffend. Thank you.	Thank you for your comment. Please see staff response #2 which discusses your concern with the existing facility on Viking Way. The interim ordinance limits placement of these facilities to commercial and industrial zones only.
30	Sam Doubleday	3/25/19 Online	Questions: (1) Whom finances the increased budget demands for local law enforcement agencies to accommodate monitoring of these 'liabilities'? Residents are going to call 911 to report any illegal activities on the part of these people and how/whom will dispatchers call to respond - LEM or DOC ? If DOC - what is typical response time for them vs LEM? (2) How many of these 'liabilities' comes from out-of-county? (3) What prohibits DOC from releasing 'liabilities' from out-of-county into our county - presently and in future (ordinances CAN be changed). (4) Whom in county government is responsible for data-mining to determine and establish metrics of how Washington state counties compare to each other in terms of accommodating released prisoners and their 'needs'? (5) Presently Kitsap leads other comparably populated counties in terms of food, housing, and medical services afforded recently-released prisoners - according to DOC statistics and 4People.org. Why should this county go 'above and beyond'?	Thank you for your comment. Please see staff response #7 which discusses your questions regarding the impact on local police services. State law allows a sexually violent predator from out-of-county to petition the court for conditional release to a facility in Kitsap County. The County obtains data from various external sources including the Department of Corrections and Washington State Office of Financial Management.



# Kitsap County Department of Community Development

31	Jeromy Frame	3/25/19 Online	I just became aware of the proposed zoning of housing for High risk sexual offenders and I am looking at the map provided and I am very concerned. This Map shows zoning to be implemented near Gorst and Berry lake (Port Orchard). My issue is these locations are close proximity to family neighborhoods and schools. Kitsap county has run into a housing crisis and has been building non stop for a few years now, many of those homes are in these very areas that are being proposed for High risk offenders and I for one with many of my neighbors are not okay with this action.	Thank you for your comment. Please see staff response #4 which discusses our concerns with the siting these facilities near schools and residential neighborhoods.
32	Laurie Dawson	3/25/19 Online	I am a Kitsap County resident and part of the Kitsap Community Partnership for Reentry Solutions. I am very grateful for the hard work to provide safe facilities and a way forward for facilities to exist that help provide alternatives to incarceration in our County. I am a strong proponent of Circles of Support and Accountability (COSA) in Washington and hope that Kitsap County will help work to bring in this model. COSAs are a largely volunteer-driven intervention for managing people with sex offense risk in the community. They perform better than any other intervention we've studied (including various treatment and supervision approaches). The model and various implementations of it in the U.S. are described at length in the attached (DOJ white paper) (see Exhibit 6). Kitsap county is a role model of what it takes to live in a community that understands that safety is built on community involvement for the betterment of all people.	Thank you for your comment. We appreciate the additional information about the Circles of Support and Accountability in Washington.
33	Kelli Lambert	3/26/19 Online	I object to Kitsap County's proposal to allow housing for this type of individual (violent sex offenders) in all commercial areas. This would permit several commercial areas near my neighborhood. I live in the vicinity of Sylvan Way & Trenton, this is a quiet family neighborhood and this type of facility has no business in a neighborhood. The proposal would allow these facilities near schools and parks, which is	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools, parks, and



# Kitsap County Department of Community Development

Attachment E

			completely wrong. This proposal needs more thought and work in order to prevent land uses that are not compatible.	residential neighborhoods in or near Bremerton.
34	Linae Tabor	3/27/19 Online	<p>Why were regulations changed to allow dangerous sex offenders to be allowed to live anywhere near where children gather?</p> <p>I live on Elizabeth Ave, near Evergreen Park, and it is common knowledge that there are sex offenders living on the 800 block of Washington Ave....even THAT is too close to our children.</p> <p>You are putting these people in a position they don't need to be in. How do you expect them to react if you put them a "target-rich" environment? Shame on you for not looking out for our children!</p> <p>These regulations need to be reversed....find these dangerous people somewhere ELSE to live!</p>	<p>Thank you for your comment. Please see the staff response to Comment #4 which discusses your concerns with siting these facilities near schools and parks. Please also see staff response #1 which discusses why Kitsap County cannot say no to these facilities.</p>
35	Greg Wheeler	3/22/19 Letter	Please see Exhibit 7	Please see the staff response in Exhibit 16.
36	Tamara Howell	3/26/19 Email	<p>I live within the Bremerton City limits, very close to Mountain View. I strongly oppose any zoning that would allow housing for sex offenders in my area. I support Mayor Wheeler in his fight to keep our neighborhoods safe. I have children and strongly oppose their safety being put at risk by moving sex offenders into their neighborhood. It's inconceivable that Kitsap County is okay with this.</p>	<p>Thank you for your comment. Please see staff response #5 which discusses your concerns with siting these facilities in or near Bremerton.</p>
37	Becky Hoyt	3/25/19 Board Public Hearing	Please See Exhibit 8	<p>Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near residential neighborhoods.</p>
38	Tricia Benson	3/25/19 Board Public Hearing	Please see Exhibit 9	<p>Thank you for your comment. The County agrees that we all need to continue to advocate for policies at</p>

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				the state level that ensure public participation and neighborhood compatibility and safety when considering the conditionally release of sexually violent predators.
39	BJ Benson	3/25/19 Board Public Hearing	Please see Exhibit 10	Thank you for your comment. The County agrees that we all need to continue to advocate for policies at the state level that ensure public participation and neighborhood compatibility and safety when considering the conditionally release of sexually violent predators.
40	John Busby	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• I want to thank you for taking action and passing the interim regulations.</li> <li>• I urgently the County and all local communities to make these temporary regulations permanent but also work with our state representatives to request sexually violent predators be housed in a Secure Community Transition Facility (SCTF).</li> <li>• It makes no sense to warehouse these risks in a facility owned and operated by a for-profit entity.</li> <li>• There is an economic impact on residential neighborhoods. A study by the American Economic Review found homes located near a single sex offender dropped by up to 12% and a property located next to a cluster of four or more offenders dropped by up to 16%.</li> </ul>	Thank you for your comment. The County agrees that we all need to continue to advocate for policies at the state level that ensure public participation and neighborhood compatibility and safety when considering the conditionally release of sexually violent predators.



41	Dan Defenbaugh	3/25/19 Board Public Hearing	Please see Exhibit 11	Thank you for your comment. The County agrees that we all need to continue to advocate for policies at the state level that ensure public participation and neighborhood compatibility and safety when considering the conditionally release of sexually violent predators.
42	Shane Seaman	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• Resrepresents Washington State for Public Safety and supports what the County has adopted.</li> <li>• I am concerned that the ordinance uses the term residential because these facilities do not belong near any residential zone.</li> <li>• State law (Chapter 71.09 RCW) defines what a sexually violent predator is and outlines a siting process that was not followed in the case of the Poulsbo House.</li> <li>• I would also like point out that these individuals that are not disabled. The Americans with Disabilities Act does not include people that suffer from pedophilia or other sexual behavior disorders. In fact, under the code of Federal Housing Regulations you cannot house someone who has been found guilty of committing these crimes.</li> <li>• The Supreme Court has concluded that providing treatment to sexually violent predators and protecting society from the heightened risk they present to society are legitimate state objectives.</li> </ul>	Thank you for your comment. The County will consider your suggestion to remove the term residential as a final ordinance is developed and reviewed by the Board, Planning Commision and public over the next few months.
43	Sheron Gakin	3/25/19	Please see Exhibit 12	Thank you for your comment. Please see staff response #3 which discusses



		Board Public Hearing		your concerns with siting these facilities near residential neighborhoods.
44	Dora Shardelman	3/25/19 Board Public Hearing	Please see Exhibit 13	Thank you for your comment. Please see staff response #2 which discusses your concerns with the existing facility on Viking Way.
45	Dennis Deach	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>The community had no say in siting the existing facility on Viking Way. My property values have gone up, my tax assessment has gone up, but in reality, my fair market value has gone down.</li> <li>I am surprised that you guys had no notice of this facility and I am defiantly in favor of the interim ordinance, but I don't know how that is going to resolve the existing facility on Viking Way.</li> </ul>	Thank you for your comment and support for the interim ordinance. Please see staff response #2 which discusses your concerns with the existing facility on Viking Way.
46	Andrew Morrison	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>Attorney representing William Deaville, the first individual that was placed at the home on Viking Way. Under the Americans with Disabilities Act he is clearly disabled.</li> <li>My client completed many terrible crimes 30-years ago. He has been in the community for 14-months without any incidence.</li> <li>On November 7, 2017 notice was sent from the Attorney General office to the Kitsap County Prosecutor notifying them of the release and release plan.</li> <li>The public will always hate my client and there will always be opposition to siting these facilities. There is something worse than more LRAs in the community. That is people with this offense history being unconditionally released with no rules, chaperons, and no GPS monitoring.</li> </ul>	Thank you for your comment. It will be used to help shape the final draft ordinance for the Board, Planning Commission and public to consider over the next few months.



47	Regina Adams	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• Representing over 4,000 community members of Manette and I am considering opening a market but cannot in good conscious move forward knowing that one of these facilities could be located nearby.</li> <li>• I am all for these facilities by ask to amend the zoned locations to several miles outside of the city limits and away from schools, community centers, large residential neighborhoods, and allow for the facility to house more than just four offenders. I also ask that caution signs be placed around the facility that say no children allowed and require security cameras.</li> </ul>	Thank you for your comment. Please see staff response #5 which discusses your concerns with siting these facilities in or near Bremerton.
48	Mary Lou Long	3/25/19 Board Public Hearing	Please see Exhibit 14	Thank you for your comment. Westsound Support Services (WSS) operates the existing facility on Viking Way. According to their contract with the Department of Social and Heath Services, WSS will receive \$708,812 for services provided between 12/1/2017 and 11/30/2019. It is the Department's understanding that conditionally released sexually violent predators (SVPs) are supervised by the Department of Corrections. Placement of these facilities is determined by Superior Court. The Department is not able to speak for the State in



				terms of compensating property owners for property values.
49	Leslie Daug	3/25/19 Board Public Hearing	Please see Exhibit 7	Please see the staff response in Exhibit 16.
50	Bert Boughton	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• I represent Washington State for Public Safety and I want to thank the Commissioners for passing this interim ordinance.</li> <li>• The action that the County has taken is difficult to balance and there are details that need to be worked out.</li> <li>• This is not a residence, this is a facility. There is a statutory framework that has found these individuals needed to be kept under some level of confinement until they are no longer found to be sexually violent predators.</li> <li>• I suggest that you change the title of your ordinance to Secure High Risk Sexual Offender Facility.</li> </ul>	Thank you for your comment. The County will consider your suggestion to remove the term residential as a final ordinance is developed and reviewed by the Board, Planning Commission and public over the next few months.
51	Lori Wheat	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• I support Mayor Wheelers letter, even if a moratorium cannot be put into place, a more restrictive zoning can be put into place.</li> <li>• The Commissioners should further restrict these facilities in industrial zones and I suggest the County's zoning should be amended to reflect the City of Bremerton's zoning requirements.</li> </ul>	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities in or near Bremerton.
52	Ken Hendrickson	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>• Represents Mr. Daly, a resident of the Viking Way facility.</li> <li>• The house does not drain public services or house dangerous individuals. The LRA residents are not the worst of the worst they pose less risk than sex offenders that live among us.</li> <li>• After 22 years and over 100 LRAs no one has created another</li> </ul>	Thank you for your comment.



			<p>victim, because the program selects a small portion of offenders who have been transformed and are now safe to live in the community.</p> <ul style="list-style-type: none"> <li>The system works, and the public has a right to know. In this instance the public was not properly notified, which is wrong.</li> </ul>	
53	Michelene Manion	3/25/19 Board Public Hearing	<p>Summary of Testimony</p> <ul style="list-style-type: none"> <li>Resident of Kitsap County.</li> <li>Glad the county is looking at situation, all need to be safe in our communities and vulnerable need protection also.</li> <li>Involved in developmentally disability issues for 30 years, rehab is possible and entrance back into the community, many now work and live in our community.</li> <li>Some people may not want to pay for expensive institutions, as has been shown in the state shutting down these institutions.</li> <li>There are second chances in the world, be protective, be watchful, but don't be disgusting.</li> </ul>	Thank you for your comment.
54	Greg Wheeler	3/26/19 Email	Please see Exhibit 15	Please see Exhibit X.
55	Cecilia McCormick	3/26/19 Email	<p>I live in Navy Yard City and just found out about Kitsap County placing one of these facilities near our area. I want you to know that I do not want this Facility built anywhere near our area. I have a grandchild that I am raising who catches the school bus a few blocks away from my home and I don't want to have to live in fear of what one of these predators could do to her at 6:30 in the morning when she leaves my home to catch a school bus. I have nieces and nephews who live in the area too and fear the same fate for them. I am 60 years old and me and my family have lived in Navy Yard City most of our entire life. My grandfather homesteaded from Ireland here and bought property and ran a grocery store, Callaghan's Grocery now called C&amp;C Supersave. My parents ran a Variety Store called Callaghan's Grocery now called the National Ave Bargain Center, which used to be a</p>	Thank you for your comment. Please see staff response #5 which discusses placing these facilities in or near Bremerton. Please also see staff response #1 which discusses why local communities are not able to ban these facilities from being proposed.



			<p>thriving business but now sits closed because Kitsap County changing the flow of traffic down National Avenue to Loxie Eagans. Navy Yard City has always been treated unfairly by Kitsap County. First you annexed, from Navy Yard City, the piece of land the Sewer Treatment Facility sits on. Then you make us suffer for years and years by not putting a cap on the sewer to control the smell. Until we had to sue you for damages. After that you make us pay, every other month, a Capital Assessment, which no other area in Kitsap County pays. Now you want to endanger our children by putting a Facility like that near us. It's just not fair that just because we don't live in the city and don't have official representation, that you take advantage of us again. I know that you and everyone in charge of making the decision of where they can place this Facility don't live anywhere near it yourself. I just want you to take my voice seriously and leave Navy Yard City alone. Why doesn't someone there think out of the box and make one of those barges out in the water a Facility or one of the unused boats in the Navy Yard one.</p>	
56	Theresa	3/26/19 Email	<p>Group residential facilities - the name and zoning, if necessary, should be changed as there shouldn't be such a facility in a residential area where our kids, some of the most innocent and vulnerable, walk to and from school. Public parks, that attract families with young children, are also in or near these areas. The definition says it all "high risk house" - you say it is secure, but there is always the possibility of a "civilly committed individual" who completed his/her sentence to leave a house on their own. Why take the risk of someone's life in order for their treatment? They made their decisions and although they did the time, why must we now live in fear? I realize they need to be housed somewhere. The state should build such housing near the prisons not in our neighborhoods.</p>	<p>Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.</p>
57	Shirley Miller	3/27/19 Online	<p>The concentration of offenders in the 303 area is too high.</p>	<p>Thank you for your comment. Please see staff</p>



				response #5 which discuss your concerns with siting these facilities in or near Bremerton.
58	Concerned Bremerton Resident	3/27/19 Online	I vehemently oppose this decision to adopt these regulations to allow group housing for violent sexual offenders in Bremerton neighborhoods where children are. These regulations would be adopted without consideration of any resident in the City and these group homes could be in close vicinity to our children's schools, public parks, and established neighborhoods. The Commissioners do not care about the safety of our children, so we must take it upon ourselves to protect them. These regulations must be revised to prevent these facilities from being located in our neighborhoods.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.
59	Erin Harris	3/27/19 Online	Hello, please to revise the interim regulations so they do not allow Group Residential Facilities – Secured High Risk in our established neighborhoods. This plan is unacceptable and leaves our community vulnerable to have these types of offenders allowed to live near and in our neighborhoods, schools and shops.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.
60	Sergey Ivashenko	3/27/19 Online	Why was this not made public and easily available to all residents of Bremerton. I am not okay with this decision and would like to know how we can turn this around	Thank you for your comment. You are encouraged to stay involved throughout this important process and can access more information online at the following link: <a href="https://tinyurl.com/KitsapCo deProjects">https://tinyurl.com/KitsapCo deProjects</a>





# Kitsap County Department of Community Development

61	Jennifer Didio	3/27/19 Online	I am writing to express my dismay that the County wants to dump the dregs of society-Violent Sex Offenders- on my city. I am especially angry that the County thinks locating a group home in established neighborhoods and near Mountain View Middle School is acceptable. It's time to stop dumping on Bremerton. Show us the same consideration and accommodation you have shown to North Kitsap/Poulsbo.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.
62	Elissa G Torgeson	3/27/19 Online	As a long-time resident of Manette, and parent and grandparent, I firmly oppose allowing these types of homes to be placed within the existing buffer zone around our schools and churches. We need to keep our children safe!	Thank you for your comment. Please see staff response #4 which discusses your concerns with siting these facilities near schools and other risk potential facilities.
63	Olivia Muzzy	3/27/19 Online	I'm honestly stunned that this zoning plan was approved, especially in regard to placement near schools and parks in Bremerton. One approved zoning area is literally across the street from Mountain View Middle School—can you explain the rationale to place high risk sex offenders directly across from teenagers? I'm truly disappointed in how little foresight there was in the development of this plan and believe that it should be reassessed for feasibility, with the added consideration of distance away from SCHOOLS, PARKS AND NEIGHBORHOODS.	Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.
64	Gemma Woods	3/27/19 Online	I am curious to know what is driving the decision to Potentially allow aggressive sexual predators to live in group homes in the middle of established residential communities and near schools. I understand that a change in zoning regulations may allow this to happen. As a Bremerton resident with two young children I am worried about the safety of my family and the community. I understand these individuals need to be rehabilitated - but am unsure of how much supervision if	Thank you for your comment. The interim ordinance was adopted because Kitsap County did not have any regulations ensuring neighborhood compatibility and safety

619 Division Street MS-36 Port Orchard, WA 98366-4682  
(360) 337-5777 | [www.kitsapgov.com/dcd](http://www.kitsapgov.com/dcd)



			<p>any they will be getting on their LRA mandated orders. Having worked with individuals on LRAs in the past I know that the law does not have any teeth in this area and this leaves our communities and children at risk. I would like to know why this decision has been made and what could possibly be motivating it? Do those who made this decision live in Bremerton? Why of out all Kitsap communities has Bremerton been unproptionally targeted for these homes? I would urge Kitsap county to reconsider these zoning changes for the sake of our children and their mental, physical and sexual health.</p>	<p>when considering these facilities and that allowed them to be placed anywhere in unincorporated Kitsap County without any public notification. Please also see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhoods in or near Bremerton.</p>
65	Garrett Nobbs	3/28/19 Online	<p>I am in opposition to, and taken aback by, the number of approved locations for SVP facilities which fall within established Bremerton neighborhoods and IN THE IMMEDIATE VICINITY OF OUR SCHOOLS. I find this not only unreasonable and thoughtless on the part of our county government, but I also find it offensive. There is a real incentive to push this onto Bremerton, the perceived "old, rotten heart" of Kitsap, and away from other areas. But sexually violent predators with a high risk of re-offense should not be housed anywhere near neighborhoods or schools. I understand that it is necessary to house them somewhere—but there are industrial areas on main thoroughfares which are not dense neighborhoods or near schools where they can be housed. The areas as currently proposed within Bremerton are preposterous and intolerable. Thank you.</p>	<p>Thank you for your comment. Please see staff response #4 and #5 which discuss your concerns with siting these facilities near schools and residential neighborhood in or near Bremerton.</p>
66	Shahnaz Chahim	3/28/19 Online	<p>Manette, Bremerton is a quite residential area that mostly houses senior citizens, medical facilities and offices, and Mountain View Middle School and families. These uses will all be highly impacted if the County forces Group Residential Facilities – Secured High Risk (GRF-SHR) in our communities. We strongly oppose.</p>	<p>Thank you for your comment. Please see staff response #5 which discuss your concerns with siting these facilities near</p>



			Please note that Manette is the pride and joy of Bremerton and the County and we the seniors love to live there and contribute to our neighborhoods; please do not destroy our safety and confidence in our governing authorities. Respectfully presented	residential neighborhood in or near Bremerton.
67	Cristina Javier / Sean Pollock	3/31/19 Online	We are affected with the current issue living in proximity of Poulsbo House and the temporary designated codes for SVP in the Perry Neighborhood as we also own a home there... right across the designated location. Why have we not learned from the current issue where we are allowing these facilities in neighborhood with children?? it is the same exact scenario... now it just now in a lower income area... And we were that family at one point as enlisted military family! That neighborhood is filled with children. I know, because my daughter had playmates in that neighborhood. I know because my tenants just had a baby. I know because there is a few schools in that area. This in my opinion this is just discriminatory. It is the EXACT situation as the Poulsbo House, but in a low income area. Please reconsider this. Before making decisions, please visit the neighborhood. Knock on doors. Discover the neighborhood that you will be destroying. Thank you. Two of the many citizens concerned. This was not was WSPS intention. PS. I Attached a picture (Exhibit 17) with marking of my neighborhood.	Thank you for your comment. Please see staff response #5 which discusses your concerns with siting these facilities near residential neighborhoods in or near Bremerton.
68	Kim Seibold	3/31/19 Online	Peace Lutheran School is near Fred Meyer's in East Bremerton. We already have to deal with concern over the instability of Kitsap Mental Health patients near by. As a parent of an 8 year old son, I stand with the Mayor of Bremerton in urging these establishments be zoned accordingly and not in the vicinity of our schools!	Thank you for your comment. Please see staff response #4 or #5 which discuss your concerns with siting these facilities near schools and in or near Bremerton.
69	Joe Hulsey	4/1/19 Online	I believe that the whole concept of LRAs should be scrapped. They are just another way our state legislature pushes cost and rust to what they believe are powerless citizens. Kudos to our local county	Thank you for your comment. Please see staff response #1 which discusses



# Kitsap County Department of Community Development

Attachment E

			commissioners and mayors for taking a stand. I won't be silenced buy our State representatives.	why Kitsap County cannot say not to these facilities.
70	Nanci Miller	4/1/19 Online	This can absolutely NOT be allowed!!! This is beyond ridiculous!!!! Our children have enough to deal with in their young lives!!! Add these animals to that and it's a a recipe for disaster!!! Send them to Ellis Island, or better yet San Quentin!!!! I aplore you to STOP this Ridiculous idea!!!	Thank you for your comment. Please see staff response #1 which discusses why Kitsap County cannot say not to these facilities.

From: Washington State for Public Safety

Pamela L Benson, Executive Director

[ExecutiveDirector.wsps@gmail.com](mailto:ExecutiveDirector.wsps@gmail.com)

[www.WashingtonStatePublicSafety.com](http://www.WashingtonStatePublicSafety.com)

## **STATE HOUSES SEXUALLY VIOLENT PREDATORS IN RESIDENTIAL NEIGHBORHOOD**

We are concerned with the current practice by the state of locating the most dangerous amongst the most vulnerable. The state decided to relocate some of the most dangerous rapists and child molesters, all known recidivists, from a secure facility on McNeil Island to a quiet, family neighborhood on the outskirts of Poulsbo. Not only was the community unaware of this until after the fact, local government and county officials were not informed. A group of concerned citizens researched how such a thing could happen and what it meant to their community. They've since discovered many disturbing revelations.

The research revealed that the state was able to set up this residence by circumventing the laws that regulate the placement of these individuals, who are statutorily described as extremely dangerous sexually violent predators ("SVPs") who are likely to engage in predatory acts of sexual violence if not confined in a secure facility due to a mental abnormality or personality disorder. The state has avoided more stringent requirements concerning the housing of these SVPs by claiming the residence is in a category that requires less regulation than it would have if it was appropriately classified. The state circumvented statutorily required public notice requirements. Further, the state failed to disclose crucial information concerning vulnerability of children and safety risks to the public, that is highly likely to have affected the court's decision to allow this facility to operate in its current location.

### **Department of Social and Health Services and Department of Corrections Involvement**

The state agencies complicit in this arrangement are the Washington State Department of Social and Health Services ("DSHS"), the Department of Corrections ("DOC") and The Attorney General's Office ("AG"). They claim the facility is not a secure community transitional facility ("SCTF"), as defined in RCW 71.09, which is more highly regulated than other types of housing. The AG and DSHS insist the residence in question is not an SCTF. However, the housing fits the definition of an SCTF and does not meet the standards of any other statutorily described facility or housing.

### **Oversight Contracted Out to Private Entity**

DSHS has contracted out responsibility of these SVPs to Westsound Support Services, LLC ("WSS")—Under the contract, WSS is to house persons, in this case SVPs, civilly committed

reports RCW [71.09.305](#) Transitional Facility Residents - Monitoring, Escorting is cited when provisions for GPS monitoring or adult chaperones are recommended. DOC identifies in the report to the court “risk potential” activities near the residence (although DOC failed to adequately identify all of them) which are statutory requirements for siting SCTF.

There are provisions in the contract that do not cite the law but track the law. Such as reporting violations. WSS is charged with reporting any release violations as described in RCW [71.09.325](#) Transitional Facilities, Conditional Release - Reports Violations. The use of this residence meets the definition of a SCTF.

### **Laws Cannot Be Evaded Simply Because SVPs Were Approved for a Less Restrictive Alternative**

There are multiple SVPs living at 17373 Viking Way, that are conditionally released to Less Restrictive Alternative (“LRA”) placement and they have complied with Sections 71.09.090 through 71.09.096, as described in RCW [71.09.280](#) Transitional facility - Release to less restrictive placement.

The AG and Special Commitment Center have repeatedly told us that the Court may release SVPs to any residence they deem fit. We believe they are relying on RCW 71.09.345 that states, “nothing restricts the court’s authority to make less restrictive alternative placements to a committed person’s individual residence or to a setting less restrictive than a secure community transitional facility.” However, the next sentence in that statute states “A court-ordered less restrictive alternative placement to a committed person’s individual residence is not a less restrictive alternative placement to a secure community transition facility.” The law states a person’s “residence” not a privately-run confinement facility. The Court’s ability to release offenders to less restrictive placements is discretionary. The laws governing residential facilities for persons civilly committed and conditionally released to a less restrictive alternative under contract with DSHS are not. The state, or a party contracting with them, is not relieved of compliance with the laws for secure community transitional facilities, nor can they simply ignore zoning and community notification requirements. It is undeniable that that the secure residential facility WSS is contracted to operate fits the statutory definition of an SCTF. Further, the court was not made aware of material risks at the current location when approving the site. There is no question that this establishment is not a private residence and every indication that it is an SCTF.

### **These Offenders are not eligible for Community Protection Programs**

WSS is charged with providing Supportive Transition Living Services to the SVPs which may be argued to be the same type of services included in Community Protection Programs (“CPP”) (Development and Disabilities Act Program). RCW [71A.12.210](#) states that if an individual has committed a crime of sexual violence per 71.09, that person is eligible for participation in a CPP. Further, if you search the DSHS website for supportive living program locator - Kitsap Tenant Services, which is operated by the same individuals as WSS, is listed as a community protection program provider. However, RCW [71.09.020](#) explicitly excludes LRAs from these programs by stating: **Less Restrictive Alternatives do NOT include placement into community protection programs.** Accordingly, the SVPs who have been approved for LRAs cannot legally be placed in CPPs.

### **Conclusion**

We are convinced that the housing of these predators at this location is not only detrimental to the public's welfare, it is also a violation of the law. We believe the decision to skirt the laws that govern facilities that house and monitor these dangerous, sexually violent predators is a political one. Our research leads us to believe this is a cost cutting decision by the state. An article in the Guardian stated that the estimated cost of housing a sexually violent predator at the Secure Commitment Facility on McNeil Island is approximately \$185,00.00 per year. From the information we have collected, we believe that the cost for WSS to house each offender is \$88,601.00 annually. There is no argument that the state is saving money by avoiding regulations and contracting out their responsibilities to WSS. But, let's be clear, it is at the expense of community safety and peace of mind.

# COMMUNITY ALERT

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**KIM DALY**



**MICHAEL LOYLE**



**WILLIAM DEAVILLE**



**ELMER TODD GILLIS**

**In our Community, on Viking Way NW, reside these four Level III Sexually Violent Predators. And more may be coming!**

**They were convicted and civilly committed; they are violent, dangerous men and they pose a very real imminent threat to all of us.**

**Join WSPS in closing down this residence NOW!**

**We need your support – volunteer and/or donate**

**Contact us at: [washingtonstatepublicsafety.com](https://www.washingtonstatepublicsafety.com)**

**Donate at: <https://bit.ly/2DYufBD>**

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Colleen Hultin  
PO Box 1943  
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March 18, 2019

Department of Community Development  
619 Division Street, MS-36  
Port Orchard, WA, 98366

RE: Kitsap County Code Amendment Process  
Interim Zoning Ordinance 566-2019

To the Kitsap County Board of Commissioners;

I recently became aware of the presence of a less restrictive alternative (LRA) facility for Level III sexual offenders near the new Fishline facility in Poulsbo.

I was once a victim of a violent attack and rape in my own home – my life and that of my then infant son and young daughter were threatened. My body healed; however, my heart and mind were forever changed. Thirty-five years later, when I dared to trust that the damage was well behind me, the news of this facility threw me into a state of PTSD that totally caught me off guard.

I do not know of a solution for where to house those who have chosen to hurt others the way they do. What I do know all too well is that the violence committed by a sexual predator harms more than the body. It attacks the soul, forever changing an innocent person in ways that alter every relationship and experience for the rest of their life.

Family communities are not an appropriate place for sexual predators to demonstrate a reduced risk for re-offending. The very title of their conviction, “Level III – Highly likely to re-offend”, attests to the fact that they rarely if ever get better. Their crimes will only be magnified if they are allowed to violate the deepest hidden parts of others in our community.

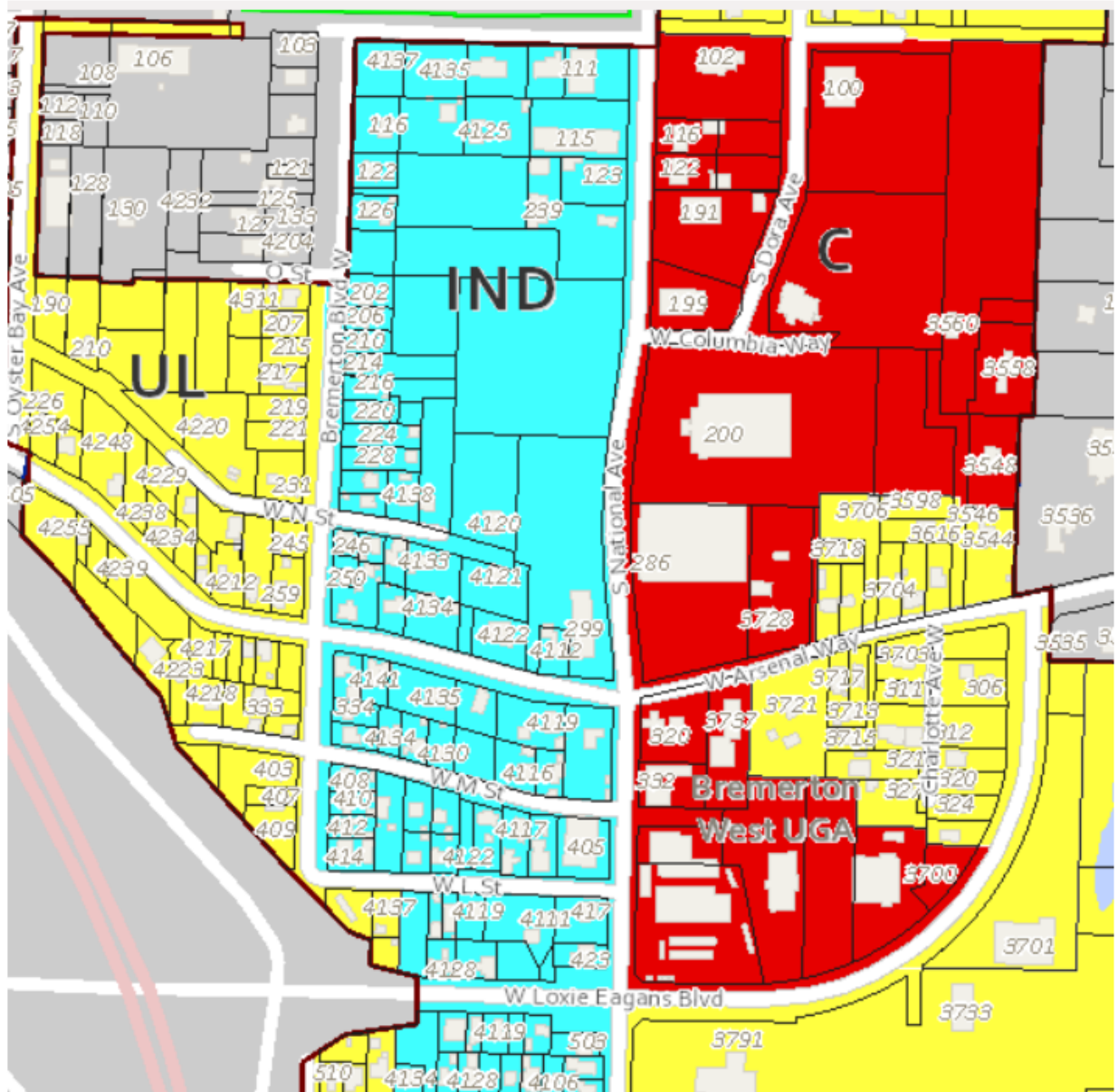
I beg the Kitsap County Board of Commissioners to limit the harm caused by the mistaken direction of Federal Courts and state government mandates. Do not codify this by adding “NEW SECTION. Section 2. 17.11.316” to the Kitsap County Code of Definitions which amends existing county zoning rules.

**YOUR JOB IS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF OUR COMMUNITY!**

**PLEASE RECONSIDER THIS PLANNED PROVISION FOR THE HOUSING, TREATMENT AND ENHANCED SERVICES FOR LEVEL III SEXUALLY VIOLENT PREDATORS.**

Most sincerely,

Colleen Hultin  
360-621-1487



County	Population (3)	Number Prisoners Admitted 2018 (2)	Number Prisoners Released 2018 (2)	Lines of Housing Services (1)	Lines of Food Services (1)	Lines of Medical Services (1)
<a href="#">Spokane County</a>	490,764	677	682	48	64	94
<a href="#">Clark County</a>	457,474	572	469	68	43	74
<a href="#">Thurston County</a>	269,885	398	325	34	17	31
<a href="#">Kitsap County</a>	258,903	416	319	42	32	43
<a href="#">Yakima County</a>	248,279	406	425	11	3	36
<a href="#">Whatcom County</a>	212,738	263	257	7	4	18

## Sources

- 1 4People.org and Washington State Department of Corrections
- 2 Washington State Department of Corrections
- 3 Wikipedia

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title:** Evaluability Assessments of the Circles of Support and Accountability (COSA) Model, Cross-Site Report

**Author(s):** Ian A. Elliott, Ph.D., Gary Zajac, Ph.D., Courtney A. Meyer, M.A.

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# EVALUABILITY ASSESSMENTS OF THE CIRCLES OF SUPPORT AND ACCOUNTABILITY (COSA) MODEL

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## CROSS-SITE REPORT

July 31, 2013

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## ABSTRACT

According to the U.S. National Reentry Resource Center (NRRC) at least 95% of state prisoners are released back to their communities after a period of incarceration. Both criminal justice agencies and the general public are conscious of the issue of sex offenders returning to the community because of the potentially negative biological and psychological outcomes for victims (e.g., Andersen et al., 2008; Chen et al., 2010). Circles of Support and Accountability (COSA) is a restorative justice-based reentry program for high-risk sex offenders with little or no pro-social support. There have been no rigorous large-scale outcome evaluations of COSA conducted to date. A weighted average of three significant estimated reductions attributable to COSA from smaller evaluations suggest a reduction of 77% in sexual recidivism (Wilson et al., 2007). However, because of the varying quality of these studies it could be argued that this figure should be considered only an estimate of effectiveness. Therefore, at this time there is not enough evidence to confidently state that COSA is proven to be effective in reducing sexual recidivism.

This report outlines an evaluability assessment of COSA across five sites with the goal of assessing the readiness of COSA provision in the U.S. for rigorous evaluation. The assessment aimed to clarify program intent, explore program reality, examine program data capacity, analyze program fidelity, and propose potential evaluation designs for future evaluation. An 'intended model' was developed, adapted from the Correctional Services Canada model (CSC, 2002; 2003) that sought to illustrate the espoused theory of COSA. COSA program reality was established via site visits to five locations delivering, or intending to deliver, COSA programs in the U.S.: Fresno, CA; Denver, CO; Durham, NC; Lancaster, PA; and Burlington, VT. During these site visits in-person interviews were



conducted with key program personnel, other stakeholders, and any documented materials related to COSA policies and procedures were collected.

All of the sites have implemented versions of the CSC model, adapted to suit their needs. The site reports suggest that VT-COSA alone could be considered to have high program fidelity, with COSA Fresno and COSA Lancaster demonstrating adequate fidelity, and Colorado COSA and COSA Durham demonstrating low fidelity. It is concluded that there are five potential obstacles that need to be addressed in order to conduct a successful experimental evaluation of COSA: (1) choice of outcomes; (2) significant differences in program implementation; (3) core member selection issues; (4) sample size, site capacity, and low baselines of recidivism; and (5) ownership of data. It is concluded that there is no methodological or ethical reason why a randomized control trial of COSA provision in the U.S. could not be conducted. The obstacles to an RCT are all such that they can be addressed with a combination of realistic tightening of program implementation, rigorous experimental control, and an increase in real-world resources. Finally, three action recommendations for future evaluative activity are presented: (1) conduct an experimental evaluation of the Vermont COSA program alone; (2) conduct an experimental evaluation that combines the Vermont COSA and COSA Fresno programs; or (3) allow the fledgling sites to develop and conduct a multi-site evaluation of COSA in the future.

## EXECUTIVE SUMMARY

According to the U.S. National Reentry Resource Center (NRRC), at least 95% of state prisoners are released back to their communities after a period of incarceration. Both criminal justice agencies and the general public are often particularly conscious of the issue of sex offenders returning to the community because of the potentially negative biological and psychological outcomes for victims (e.g., Andersen, Tomada, Vincow, Valente, Polcari, & Teicher, 2008; Chen, Murad, Paras, Colbenson, Sattler, Goranson, et al., 2010). Due to these negative outcomes, criminal justice responses to sex offender reentry have typically involved tightening supervision for sex offenders. Conversely, the base rate of recidivism for sex offenders is lower than is often expected at around 12.4% (Helmus, Hanson, Thornton, Babchishin, & Harris, 2012). There is also a growing interest in using restorative justice approaches with this population that redirect society's punitive response to crime with the aim of increasing public safety through reconciliatory action between offenders, victims, and the community (Sullivan & Tift, 2005).

Circles of Support and Accountability (COSA) is a restorative justice-based community reentry program for high-risk sex offenders with little or no pro-social community support. COSA originated in 1994 in response to the release of Charlie Taylor, a high-profile, high-risk, repeat child sex offender in Hamilton, Ontario, Canada. A 'Circle of Support' was arranged - a select group from the church congregation maintaining daily contact with Taylor (Hannem & Petrunik, 2004). Taylor did not reoffend and the program was extended in Canada, and similar programs grew in, among other places, the United Kingdom, the Netherlands, and the U.S. There have been no rigorous large-scale outcome evaluations of COSA conducted to date. Some small-scale outcome evaluations have been

published and a weighted average of the three significant estimated reductions suggest that COSA may be responsible for a reduction of 77% in sexual recidivism (Wilson, McWhinnie, Picheca, Prinzo, & Cortoni, 2007). However, because of the varying quality of these studies in terms of retroactive and imperfect matching of samples, the integrity of statistical analyses, and the lack of statistically significant results, it could be argued that this figure should be considered only an estimate of effectiveness. Therefore, at this time there is not enough evidence to confidently state that COSA is proven to be effective in reducing sexual recidivism.

This report outlines an evaluability assessment of COSA across five sites with the goal of assessing the readiness of COSA provision in the U.S. for rigorous evaluation. Evaluability assessments examine the demand for information that might come from a large-scale evaluation and seek to match supply with demand by proposing designs that are feasible, relevant and useful. The assessment aimed to clarify program intent, explore program reality, examine program data capacity, analyze program fidelity, and propose potential evaluation designs for future evaluation.

An 'intended model' was developed that sought to illustrate the espoused theory of COSA. A logic model was developed to define the three key problems that COSA seeks to address: (1) the increased frequency of recidivism for high-risk sex offenders; (2) the lack of formal supervision for offenders who have completed their sentences in full; and (3) the lack of social capital and community support for returning sex offenders. A model of COSA program operations, adapted from a model developed by Correctional Services Canada (CSC, 2002; 2003), was also developed that outlined stakeholders and operations. The stakeholders form four broad categories: COSA project staff, service users, formal criminal

justice organizations, and community service providers. COSA operations involved five phases: (1) establishing the COSA team and program; (2a) Core Member enrolment; (2b) volunteer enrolment; (3) forging the Circle; (4) ongoing support; (5) dissolution of the Circle.

COSA program reality was established via site visits to five locations delivering, or intending to deliver, COSA programs in the U.S.: Fresno, CA; Denver, CO; Durham, NC; Lancaster, PA; and Burlington, VT. During these site visits in-person interviews were conducted with key program personnel, other stakeholders, and any documented material related to COSA policies and procedures was collected. Data was collected and analyzed using a fidelity item measurement tool that examines 41 items across 10 fidelity categories, including management, model, operations, outcomes, staff, Core Members and volunteers and a data item tool that examined the availability of 23 key data variables.

In summary, all of the sites have implemented versions of the CSC model, adapted to suit their needs. Only COSA Fresno appeared to be delivering the program in the absence of formal parole or probation supervision in the community. Management structures and financial and operational security differed between sites. Fidelity scores at the sites were (in descending order): Vermont COSA - 86%; COSA Fresno - 58%; COSA Lancaster - 52%; Colorado COSA - 27%; and COSA Durham - 24%. The site reports suggest that VT-COSA alone could be considered to have high program fidelity, with COSA Fresno and COSA Lancaster demonstrating adequate fidelity, and Colorado COSA and COSA Durham demonstrating low fidelity (due principally to their lack of capacity).

It is concluded that there are five potential obstacles that need to be addressed in order to conduct a successful experimental evaluation of COSA. Firstly, a myopic focus on

recidivism may not adequately measure the success of COSA as in some circumstances the detection of a new offense by the Circle may be a marker of program success. Secondly, significant differences in program implementation could represent key differences in the population from which samples might be drawn, namely grass-roots versus institutional models and fully-completed versus supervised Core Members. Thirdly, there are concerns regarding the systematic selection of highly-motivated offenders and the apparent flexibility in the application of selection criteria. Fourthly, the low capacity at sites, and thus the small populations from which to draw numbers of COSA-eligible participants, combined with the low rates of recidivism expected for both COSA Core Members and controls, may make the detection of any observable effects of COSA more difficult. Finally, in many instances key data, particularly for the Core Member, were not solicited, collected, or reported by the COSA programs. The site reports also noted that both the quality of the relationships between the program and their criminal justice partners and the importance of program stability would need to be addressed for successful evaluation.

It is concluded that there is no methodological or ethical reason why a randomized control trial of COSA provision in the U.S. could not be conducted. The obstacles to an RCT are all such that they can be addressed with a combination of realistic tightening of program implementation, rigorous experimental control, and an increase in real-world resources. It was concluded that there are no major benefit to the use of non-experimental studies over a randomized control trial for the evaluation of COSA. Consequently, three action recommendations for future evaluative activity are presented: (1) conduct an experimental evaluation of the Vermont COSA program alone; (2) conduct an experimental

evaluation that combines the Vermont COSA and COSA Fresno programs; or (3) allow the fledgling sites to develop and conduct a multi-site evaluation of COSA in the future.

## INTRODUCTION

According to the U.S. National Reentry Resource Center<sup>1</sup> (NRRC), during 2010 a total of 708,677 prisoners were released back from state and federal prisons into their communities. They estimate that at least 95% of state prisoners are released back to their communities after a period of incarceration. Both criminal justice agencies and the general public are often particularly conscious of the complex issue of sex offenders returning to their communities because of the potentially negative biological and psychological outcomes for victims (e.g., Andersen, Tomada, Vincow, Valente, Polcari, & Teicher, 2008; Chen, Murad, Paras, Colbenson, Sattler, Goranson, et al., 2010).

Due to these negative outcomes, criminal justice responses to sex offender reentry have typically involved tightening supervision for sex offenders and the introduction of specific and stringent registration, notification, and residency restrictions. Currently, all 50 U.S. states and the District of Columbia have registration and community notification laws for sex offenders residing in the community (Lasher & McGrath, 2012; Zevitz, 2006). Registration refers to the filing of sex offenders' identifying information with local law enforcement while notification refers to the release of this information to the public (Lasher & McGrath, 2012). Many states and local municipalities have also enacted residency restrictions for sex offenders. Residency restrictions refer to laws prohibiting sex offenders from living within certain distances from schools, daycare centers, or other community structures where children may congregate (Chajewski & Mercado, 2009).

Conversely, the base rate of recidivism for sex offenders is lower than is often expected. Recent recidivism data from 73 studies and 35,522 offenders demonstrate an

<sup>1</sup> <http://csgjusticecenter.org/nrrc/facts-and-trends/>.

observed overall sexual recidivism rate of 12.4%, with a 10-year rate of 16.6% (Helmus, Hanson, Thornton, Babchishin, & Harris, 2012). It should be noted, however, that sexual victimization is consistently found to be one of the most under-reported of all violent crimes by both adults and children (Finkelhor, Hotaling, Lewis, & Smith, 1990; Tjaden & Thoennes, 2000; 2006). Despite low re-offense rates, many jurisdictions have adopted the containment model for sex offender community management (English, 1998; 2004) - a victim-focused, multi-agency approach that combines case evaluation, risk assessment, sex offender treatment, and intense community surveillance.

Yet, amid the increases in the scope and intensity of the criminal justice system's supervision of sex offenders, there has also been a growing interest among academics, criminal justice practitioners, and faith groups in using restorative justice approaches with this population. Restorative justice is a philosophy that aims to redirect society's punitive response to crime with the aim of increasing public safety through reconciliatory action between offenders, victims, and the community (Sullivan & Tifft, 2005). Bazemore and Maruna (2009: p. 377) cite the three core principles of restorative justice as: (1) the *principle of repair* - the primary goal of any restorative intervention is to repair the harm caused by crime to the greatest extent possible; (2) the *principle of stakeholder involvement* - victims, offenders and communities should have the opportunity for active involvement in the justice process as early and as fully as possible; and (3) the *principle of transformation in community and government roles* - as justice systems have assumed more responsibility for crime and harm communities and individuals have lost their capacity to respond effectively, and thus the relative roles and responsibilities of government and community need to be reexamined and in some cases reversed. Interventions offered by non-



correctional enterprises may be better positioned to respond to individual characteristics and circumstances when providing offender treatment and management than correctional organizations (Wilson & Yates, 2009). Wilson and Yates cite Circles of Support and Accountability as an example of this form of non-correctional restorative program.

### **Circles of Support and Accountability**

Circles of Support and Accountability (COSA) is a restorative justice-based community reentry program for sex offenders deemed to be at the highest risk of reoffending and with little or no pro-social community support. COSA traces its roots back to 1994, forming in response to the release of Charlie Taylor, a high-profile, high-risk, repeat child sex offender. Having grown up in institutional care, Taylor spent most of his time in prison and each time reoffended within weeks of being released (Bates & Wilson, 2013). Taylor was due to be released in Hamilton, Ontario, and having served his entire sentence in prison, would be released without formal criminal justice supervision in the community. Having noted his status as a "marginalized man with few life skills and a persistent sexual interest in children" (p. 27), his prison psychologist reached out to the pastor of a small Hamilton Mennonite congregation, the Rev. Harry Nigh (Wilson, McWhinnie, & Wilson, 2008) for assistance. A 'Circle of Support' was hastily arranged, in which a select group from the church congregation assisted Taylor in finding housing, welcomed him to church services and social functions, and set up a series of daily contacts (Hannem & Petrunik, 2004).

As Wilson et al. (2008) describe, a short time later a similarly high-profile, high-risk repeat child sex offender, Wray Budreo, was approaching the end of his sentence and was

due for release in Peterborough, Ontario. A colleague of Rev. Nigh's, Rev. Hugh Kirkegaard, a community corrections chaplain, decided on a similar approach and formed a similar Circle for Budreo. Following anecdotal reports of the success of the COSA approach (neither Taylor nor Budreo were convicted of a subsequent sexual offense), the Mennonite Central Committee of Ontario, with the community chaplaincy division of the Correctional Services Canada, obtained funding to pilot COSA to develop, promote, and implement the approach across Canada (Hannem & Petrunik, 2004).

According to the Correctional Services of Canada model (Correctional Services Canada: CSC, 2002; 2003), the mission statement of COSA is: "[to] substantially reduce the risk of future sexual victimization of community members by assisting and supporting released individuals in their task of integrating with the community and leading responsible, productive, and accountable lives" (CSC, 2002: p. 12). A description of the CSC model is provided in a later section of this report. There have been no rigorous large-scale outcome evaluations of COSA conducted to date. Some small-scale outcome evaluations have been published that vary in quality. Four outcome studies that report comparisons in the sexual re-offense rate of COSA Core Members versus control subjects have been identified (Bates, Williams, Wilson, and Wilson, 2013; Duwe, 2013; Wilson, McWhinnie, Picheca, Prinzo, & Cortoni, 2007; Wilson, Cortoni, & McWhinnie, 2009). In 2007, Wilson et al. compared 60 COSA Core Members from Ontario, Canada, with a matched control sample of 60 offenders released at the end of their sentence, matched on risk-category and date of release, but who did not participate in COSA, over a 4.5 year follow up. They reported a significant reduction in sexual recidivism of 70%.

Wilson et al. (2009) conducted a replication of the 2007 study with an unrelated sample of 44 COSA Core Members and 44 matched offenders not involved in COSA. They reported a significant reduction in sexual recidivism of 83%. Wilson et al. calculated the significance of this reduction in reoffending using a chi-square distribution test. However, as Elliott and Beech (2012) noted, because of the small number of recidivists the statistical assumptions of the chi-square test would have been compromised by including cells with an expected count of less than 5. Under these circumstances standard statistics textbooks recommend the use of Fisher's Exact Test to analyze the resulting contingency table. A re-analysis of the contingency tables in Wilson et al., reported in Elliott and Beech's analysis, demonstrated that the Fisher's Exact Test would be non-significant ( $p = .055$ ).

Wilson et al. (2009) also presented a 3-year fixed comparison analysis, controlling for differences in risk assessment scores between the two groups (18 COSA participants and 17 non-COSA controls), that reported no sexual recidivism in the COSA group compared with 5 in control sample. Further significant reductions in violent offending (82%) and any offending (83%) were also reported. It should be noted that the methodology used to provide the 3-year fixed analysis had the effect of reducing the number of participants in the sample. In both studies the authors state that prior treatment was matched, but the methods for matching is not described in any detail, save for a statement that, "few of the men in either group studied here had completed treatment before release" (p. 418). It is also not explained in either study why the control sample did not participate in COSA. If it was because they were not suitable candidates then the argument could be made that they do not represent an adequate control sample.

Bates et al. (2013) compared 71 Core Members on the COSA South East program in the U.K with a sample of 71 sex offenders broadly matched on risk status and community follow-up. They report a significant reduction in sexual offending of 75% over a 4.5 year follow-up. The control group in the Bates et al. study was matched with a sample of offenders who were referred to COSA, but were not accepted. Like the studies by Wilson and colleagues (Wilson et al., 2007; Wilson et al., 2009) this raises questions about significant confounding differences between the experimental and control groups and the validity of the findings, as the post-release conditions of each of the groups were not discussed in detail. Therefore little information could be sought about, for example, the levels of community supervision between the two groups, or what 'supervision as usual' may have involved.

In 2013, Duwe published an experimental analysis of the effectiveness of COSA, comparing 31 Core Members from the Minnesota COSA (MnCOSA) program with a matched control sample. Duwe's study was the first (and to-date, only) study to prospectively randomly assign participants to either an experimental (COSA) group or a control (no-COSA) group, due to a surplus in Core Member places compared to volunteers available to provide Circles. This randomization procedure used by Duwe aimed to resolve the issue of potential differences between the retrospectively matched COSA and control groups reported in the previous studies. However, the author reported a non-significant reduction in sexual recidivism over a 2-year follow-up, with only one control participant being reconvicted of a further sexual offense compared to zero in the COSA group. A significant reduction of 40% in re-arrests (for any offense) was found for the COSA group compared to the control group. A Cox regression model found that participation in MnCOSA significantly

reduced the chance (hazard ratio) of re-arrest by 62%, of technical violation revocations by 72%, and any re-incarceration by 84%, but no significant reductions in the chance of reconviction or new offense re-incarcerations.

Other studies have reported program variables aside from recidivism. For example, Wilson, Picheca, and Prinzo (2007) surveyed 24 COSA Core Members about their experiences. They found that two-thirds of their sample agreed that the Circle had helped them adjust to the community on release, 92% reported a sense of support and acceptance by others after starting the program, and approximately two-thirds suggested that they would have returned to crime had the program not existed. In a descriptive study of the Hampshire and Thames Valley Circles program in the United Kingdom, Bates, Macrae, Williams, and Webb (2012) reported descriptive differences in dynamic risk scores for Core Members, between the time of forging the Circle to the time study data was collected. They suggest that COSA was responsible for improvement in emotional well-being in the majority of Circles (70%). Improvements in engagement in age-appropriate relationships, links with family and support networks, and access to employment or education were each reported in 50% of Circles. It is, however, difficult to establish how improvements were objectively measured in order to ascertain whether they could be attributable to the COSA program, beyond the researcher's judgment of file information<sup>2</sup>.

A weighted average of the three significant estimated reductions attributable to COSA suggest that the program may be responsible for a reduction of 77% in sexual recidivism for COSA Core Members versus controls, with an average follow-up time of 4 years. Given the varying quality of these studies in terms of retroactive matching of

<sup>2</sup> "Each file was examined to identify which criminogenic factors pertaining to the Core Member had been addressed by HTV Circles work and to explain briefly how this had been achieved" (Bates et al., 2011: p. 357).

experimental and control samples, imperfect methods for matching, the integrity of statistical analyses, and the lack of statistically significant experimental results, it could be argued that this figure should be considered only an estimate of potential effectiveness. At this time there isn't enough evidence to suggest that COSA is proven to be effective in reducing recidivism in sex offenders. This is not to disparage the previous studies, which were conducted with samples taken as COSA was developing; rather that it is time the approach is comprehensively and systematically evaluated.

## EVALUABILITY ASSESSMENT

This report outlines an evaluability assessment of COSA across five sites with the goal of assessing the readiness of COSA provision in the U.S. for rigorous evaluation. In program evaluation there is a need to balance the feasibility and cost of evaluation against the likely benefits (Wholey, 2004). In designing sound evaluations, evaluators need to identify a number of elements: questions to answer, evaluation criteria, data to collect, and methodologies to adopt. Successful evaluation design also requires program *readiness* – the program needs to be implemented in such a way that its anticipated outcomes can be evaluated. Flawed program design has been slated as a major impediment to useful evaluation, and often poor outcomes believed to be program failures can, in actuality, be a result of the program not being implemented as designed (Van Voorhis, Cullen, & Applegate, 1995). Van Voorhis et al. (1995) also note that another common problem is that in many evaluations outcome data are reported with no clear indication as to what the program did to achieve those results.

Evaluability assessments examine the demand for information that might come from a large-scale evaluation and seek to match supply with demand by proposing designs that are feasible, relevant and useful. They assess the extent to which measurable objectives exist, whether they are shared by key stakeholders, and whether a reasonable program structure is in place with sufficient resources to achieve goals and objectives, (Trevisan, 2007; Wholey, 2004). This assessment proposed the following specific evaluation goals, based on those outlined by Wholey (2004):

- **Clarify program intent** - map a COSA program model (the 'espoused theory') to identify and document intended program operations, based on the development of the CSC COSA model;
- **Explore program reality** - examine COSA program operations in action on site to identify and document actual COSA program activities;
- **Examine program data capacity** - inspect and document the capacity of the selected COSA program sites for data collection, management and analysis in support of further evaluation;
- **Analyze program fidelity** - assess the congruence between intended program logic and actual program operations, deriving initial conclusions about the fidelity of program implementation; and
- **Propose potential evaluation designs** - report on the readiness for further evaluation activities at each selected COSA site and identify potential evaluation challenges at each site.

### Clarifying program intent

The first stage of assessment is to understand the COSA logic model in order to establish how the selected sites intend to implement COSA. The stated goals, objectives, design, and operation of COSA will be investigated through examination of documentation such as operation manuals, handbooks, training documents, policy documents, etc. Written program documentation is a key to establishing a program's espoused theory – the interventions and activities in which it claims to engage (Argyris, 1982). While structural



details of COSA may differ between providers, the core model should not (Clarke, 2011). If the sites are expected to follow a standardized COSA model, a goal of this assessment will be to compare the standardized intended model to the espoused model at each site, attending to any local deviations or 'innovations' to the standardized model (Durlak & DuPre, 2008). It was therefore important to establish whether any intended model is fully defined and documented in such a way that it guides all activities across the organization, establishing both a restorative justice context and that all aims, objectives, and procedures related to COSA are clearly defined.

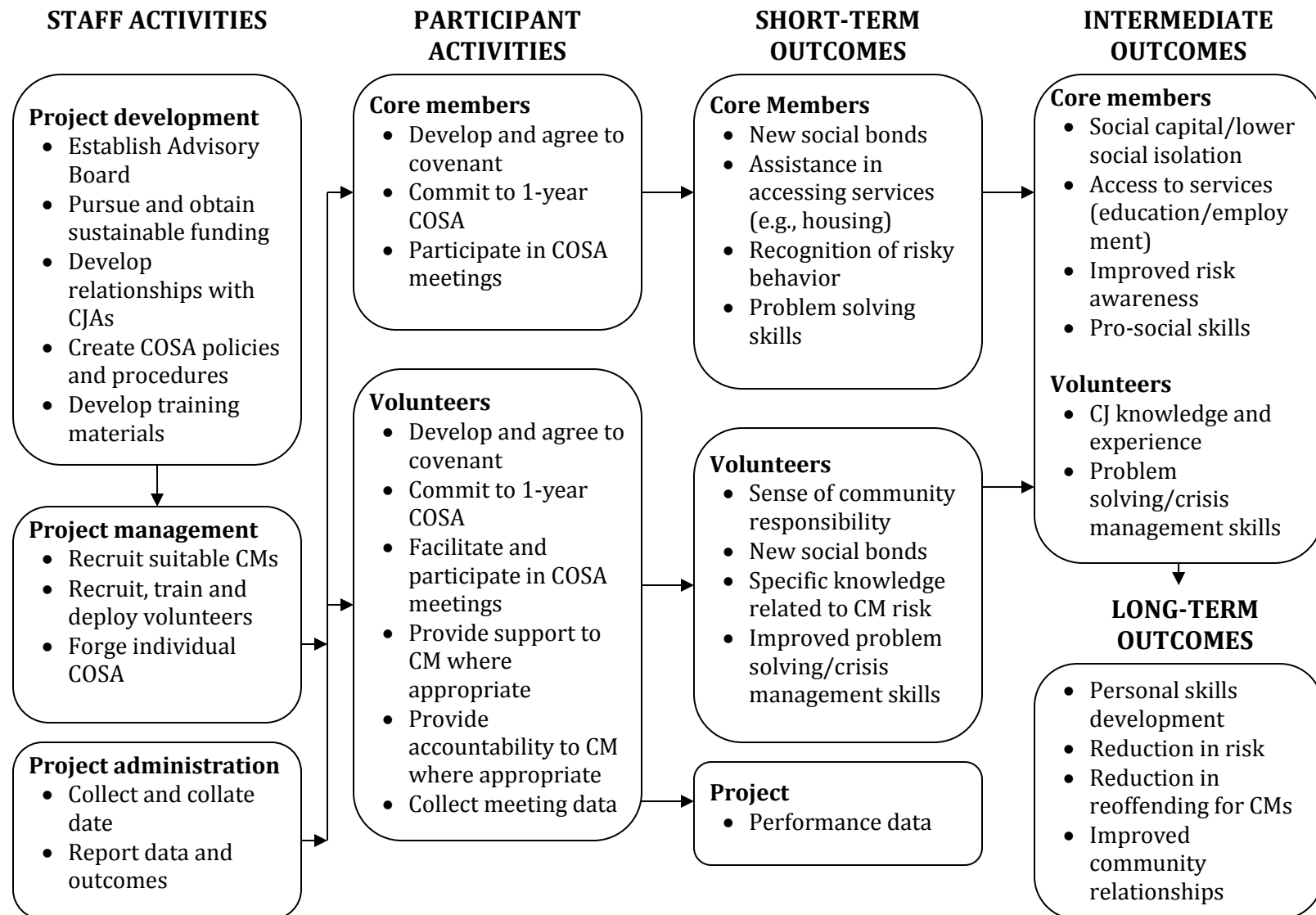
### **COSA logic model**

Logic models are plausible and rational illustrations of how a program should work, under certain environmental conditions, to solve the identified problem that it was developed to address (Bickman, 1987). Elements typically included in a logic model are (see Wholey et al., 2004):

- **Resources** - human, financial, and partnership resources needed to support the program.
- **Activities** - the action steps necessary to produce program outputs.
- **Outputs** - the products, goods, and services provided to the customer or participants.
- **Customer reach** - the customers and partners served.
- **Outcomes** - changes or benefits resulting from activities and outputs. For each of these and the short-term, intermediate-term, and long-term outcomes related to them.

In order to develop the logic model for COSA (see Figure 1 below) it is necessary to clearly define the problem and its context. In COSA there are three basic criminal justice issues being addressed. The first is the increased frequency of recidivism for high-risk sex offenders being released into the community. The overarching goal of COSA is to "substantially reduce the risk of future sexual victimization of community members by assisting and supporting released individuals in their task of integrating with the community and leading responsible, productive, and accountable lives." The second issue is that that many of these offenders will have completed their sentence in full following periods of incarceration and therefore are not subject to formal criminal justice supervision. As the COSA development document (CSC, 2003) points out, there are few services available that specifically dealt with the unique needs of high-risk sex offenders being released having completed their sentence and with no formal supervision in the community, and COSA can fill that intervention gap.

Figure 1. An intended COSA logic model.



The third issue is the consequent lack of social capital and community support for these individuals after the time spent away from their home and communities and the stigma related to public perceptions of sex offenders. Social capital can be defined as, "the aggregate of the actual or potential resources that are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance or recognition" (Bourdieu 1985, p. 248). COSA identifies a lack of social capital as a distinct obstacle to successful re-entry and seeks to increase social capital by encouraging the creation of community networks that can provide effective support and guardianship and model pro-social behaviors. These pro-social behaviors reduce social isolation by teaching the Core Member how to initiate and maintain trusting relationships with adults and by improving self-efficacy by encouraging a belief in the human ability to change (Wilson, Picheca, & Prinzo, 2007).

### **The COSA process model**

There seemed little reason to re-invent the wheel in developing a model of COSA for this assessment. The vast majority of the developed COSA programs identified by the authors appear to be based upon the Correctional Services Canada model (CSC 2002; 2003) developed by, among others, Andrew McWhinnie, David Dyke, Evan Heise, and Robin Wilson. This model has been adapted in a number of locations to provide COSA under varying legislative and political contexts, including those in the U.K., the Netherlands, and the U.S. The following sections synthesize (and in places adjust) the model on the whole as it is described in two key documents: the 2003 *Guide to Project Development* (CSC, 2003)

and the 2002 *Guide to Training Potential Volunteers* (CSC, 2002). This synthesized model, created for the purpose of this evaluability assessment but based on the CSC model, is referred to throughout this report as the 'intended model'.

Wilson and McWhinnie (2010) described the CSC COSA model as consisting of two concentric interpersonal circles surrounding a Core Member (an offender): (1) an inner circle of four to six professionally-facilitated community volunteers who act as a supportive community to whom the Core Member agrees to be accountable; and (2) an outer circle of professionals (e.g., therapists, probation, law enforcement) who provide expert guidance on areas including, but not limited to, offender behavior, offender management principles, the legal and criminal justice contexts. In addition, many COSA projects may include a steering group of local professionals who provide operational support and a designated Circles Coordinator who manages operations. Although the model explains the philosophy and hierarchy of COSA, it does not fully explain COSA in terms of development, operation, and the roles of its consumers and providers.

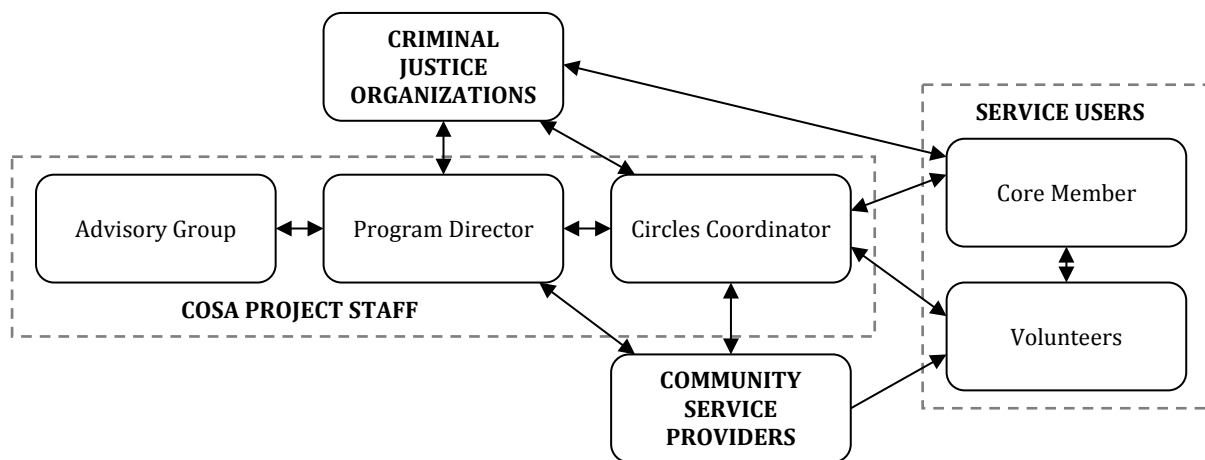
To illustrate an intended model of COSA, the following sections separate the elements of the model into two components: *people* and *processes*. The people are the various stakeholders involved in the operation of COSA, either acting on behalf of the various organizations involved or taking part in the program itself (i.e., the customers it serves). The processes are the operational procedures that take place to get from conception of COSA to the dissolution of the first Circle.

There are four groups of stakeholders (for each of which a single name has been chosen in order to maintain clarity throughout the report). These players can be categorized depending on either their organization or their role. The first group is the COSA

project staff, which includes the Advisory Group, the Program Director, and the Circle Coordinator. These staff will typically represent a community justice organization. The second group is the service users, which includes the Core Member and the volunteers. The third group is the specific criminal justice staff or organizations (the referrers) that include the Department of Corrections (DOC), the parole/probation departments and local police forces. The fourth group is the community service providers, such as survivor advocacy groups, lawyers, treatment providers/psychologists, social workers, healthcare professionals, educational professionals, and faith-based organizations.

Figure 2 presents a schematic diagram of the anticipated way in which these four groups will combine to provide COSA. The arrows show the lines of communication as they relate to the development of the COSA program and of individual Circles.

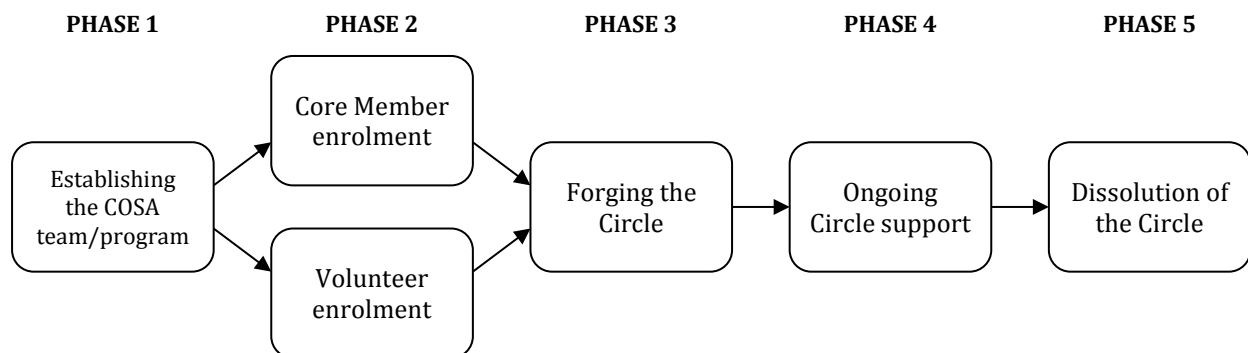
**Figure 2.** An anticipated COSA management structure.



The fulcrum of the anticipated management structure is the Program Director. The Program Director is typically an individual working in a community criminal justice

organization that provides restorative justice and/or offender reentry services. They require knowledge of the COSA philosophy and application, sex offender reentry, and a general knowledge of the criminal justice system. This individual is likely to be overseen by an Executive Director of their organization. The Program Director is typically the face of the program for the media and the person responsible for ensuring the program has sufficient insurance and liability cover. The Program Director oversees the five phases of the COSA program process (see Figure 3): (1) establishing the COSA team and program; (2a) Core Member enrolment and (2b) volunteer enrolment; (3) forging the Circle; (4) ongoing support; (5) dissolution of the Circle. The following sections outline each of the phases of the model in turn.

**Figure 3.** The five phases of the COSA program process.



### Phase 1: Establishing the COSA team and program

The first phase of the process is to appoint the various members of the COSA team and to establish the program in the local community, and is the role of the Program Director. This involves four key processes: (1) appoint an Advisory Group; (2) appoint a

Circle Coordinator; (3) train staff; and (4) publicize the COSA program in the community.

The first role of the Program Director is to establish an Advisory Group. The Advisory Group provides oversight, accountability, and professional support to the COSA program. It should consist of representatives from as many of the community service providers as possible (Department of Corrections, Sex Offender Assessment/Management Boards, Parole, Probation, treatment providers, survivor advocates, etc.). These individuals typically make up the 'outer circle'<sup>3</sup>.

The second role of the Program Director, with the support of their organization and the Advisory Group is to hire a Circle Coordinator. The role of the Circle Coordinator is to ensure that the operational policies and procedures established by the Program Director and the Advisory Group are being implemented in practice. The Circle Coordinator is responsible for convening and facilitating Circle meetings, arranging appointments with consultants, liaising with the criminal justice agencies, and conducting orientations with the regional coordinator. The Circle Coordinator will also attend Circles meetings where necessary to establish and maintain process dynamics - stimulating dialogue, posing questions, maintaining the focus of the meeting, and ensuring balanced participation. The Circle Coordinator is the individual who sits between the two concentric Circles ensuring that there is reciprocal communication.

Finally, to establish the COSA team's credentials, it is recommended that the Program Director and the Circle Coordinator attend training from outside consultants, experts in COSA development and implementation. It is also recommended that they schedule exploratory visits to other sites that are successfully implementing the program.

<sup>3</sup> In the early stages the Advisory Group is likely to have limited membership as the Program Director seeks to establish further professional links, but the group can be added to throughout the process.



Once the COSA team is established, the next phase is to advertise the program to key community stakeholders and build solid relationships in the community.

The Program Director and the Circle Coordinator will produce, arrange, and deliver a series of orientation sessions to publicize the program with key community stakeholders. All and any interested parties should be encouraged to attend, but should target two key groups. Regional professionals need to be targeted as potential referrers of Core Members to the program and to identify interested individuals who can be added to the Advisory Group. All reentry programs need the support of the criminal justice system and the Program Director and Circle Coordinator are required to establish relationships with key stakeholders from whom Core Member referrals will be sourced. The general public needs to be targeted not only to educate them on the problems related to sex offender re-entry and the methods by which COSA seeks to solve those problems, but also as a method by which to recruit potential volunteers.

The Program Director can choose to hire external expert consultants to deliver these orientation sessions at first, before the COSA staff begins delivering sessions themselves. In the CSC model, the orientation sessions last between 1.5 and 3 hours and provide an overview of the history, purpose, core values, philosophy, and structure of COSA. Having established a team and promoted the program to both the local public and regional professionals, the Program Director should then seek to identify and enroll service users.

## Phase 2a: Core Member enrolment

The second phase of the process is to enroll the two categories of COSA service users: the Core Members and the Circle volunteers. Potential Core Members are those offenders who are due to be released back into the community following a period of incarceration. The enrolment process for Core Members involves five stages: (1) referral; (2) case review; (3) screening; (4) file review; and (5) acceptance.

In the referral stage candidates for COSA are identified by the Department of Corrections<sup>4</sup> (DOC). Candidates can also be identified by other parties, such as prison welfare groups, families of offenders, etc. The DOC, however, is typically engaged in release planning for inmates and will have access to both the inmate themselves and data related to them. The DOC will then assess inmates due for release for their needs in the community, their potential harm to victims, and their willingness to participate in the program. In order for the DOC to present information about a potential Core Member to COSA they discuss the potential referral with the inmate and request they sign a confidentiality agreement. This is followed by a case review in which the 'selection team' (DOC, Program Director, and Circle Coordinator) confirm the release date, verify the inmates conditions of release, and discuss the DOC's assessment of risk in the community.

Following successful case review, the selection team begins the screening phase. For inmates to be suitable for COSA, certain criteria should be met<sup>5</sup>. The fundamental criteria are that the inmate:

<sup>4</sup> State agencies can have a variety of official names, but this report uses the term 'Department of Corrections' here to refer to any state agency that oversees the incarceration of individuals convicted of crimes, for the purposes of clarity and consistency.

<sup>5</sup> It is implied in the CSC model documentation that COSA is a program for *adult* sex offenders and not juveniles. The CSC model also does not address gender, but there appears to be little reason why COSA would not be suitable for male, female, or transgender Core Members.

- has completed their sentence and is returning to the community with no formal criminal justice supervision;
- is high-risk and high-need (and possibly high-profile);
- has little or no pro-social support in the community;
- is motivated to achieve an offense-free life;
- is willing to agree to the covenant; and
- is willing to commit to a one-year Circle.

The intake process should begin approximately 90 days prior to the inmate's release from incarceration. The selection team meets with the inmate and over a series of visits introduces the COSA program and the support it provides, learns the inmate's personal circumstances and plans on release, obtains the release of inmate information, and obtains informed consent to recommend the inmate to the COSA Advisory Group. A final file review is carried out, while potential volunteers for the Circle are identified and educated about the inmate. Finally, there is acceptance from both parties, at which point the selection team completes a COSA needs assessment, a release plan, a relapse prevention plan, and begins developing a covenant.

### **Phase 2b: Volunteer enrolment**

At the same time as the Core Member is being enrolled, the Program Director and Circle Coordinator are also responsible for the enrolment of volunteers. Circles are typically made up of one Core Member and 4-7 fully-trained and professionally-facilitated

community volunteers. COSA volunteers are typically recruited from orientation audiences, local faith organizations, volunteer recruitment centers, or via word-of-mouth or media outlets. The volunteers' role is to meet with the Core Member, to covenant, and to 'walk daily in friendship' with the Core Member (CSC, 2003: p. 11).

There are five stages to the volunteer enrolment process: (1) core training; (2) application; (3) interviews; (4) criminal records check; and (5) skills training. After they have attended one of the orientation sessions the volunteer is invited to attend one of the core training workshops. In the early stages of COSA project development, this is another area in which it is recommended that the Program Director invite external consultants to deliver the training sessions until the Program Director and local professionals have been equipped with the skills to do so. The core training takes 6 hours: two sessions lasting 3 hours. It provides an overview of the criminal justice system as it relates to both sex offenders and offender reentry, legislation specific to sex offenders, and provides an understanding of sexuality, sexual deviance (e.g., paraphilia), and sexual offending. It involves presentations, videos, and role-play exercises. After attending core training and agreeing to participate in COSA, then the volunteer is invited to complete and submit an application form, resume, and three references (two from community members in good standing and one from a professional who knows them). Suitable applicants are then invited to an interview.

This interview allows the Program Director and Circle Coordinator to identify candidates who meet the volunteer criteria. The volunteer is required to demonstrate stability and residence in the community in which a COSA can to be formed so that they can attend meetings regularly. They are also expected to commit to a one-year Circle duration

in that location. Other personal criteria include (but are not limited to) personal maturity, experience of problem-solving, and general awareness of criminal justice issues. Volunteers are expected to have a balanced lifestyle with interests outside of COSA, a balanced perspective in being able to recognize the needs of both victims and offenders, and to be non-judgmental in terms of being able to work with Core Members with a variety of offense types and potentially alternative sexual orientations to the volunteer's own. The potential volunteer should not have any unresolved victimization issues. That is not to say that prior victimization excludes an individual from becoming a volunteer, but that the individual would need to ensure that the experience of volunteering for COSA does not trigger any difficult emotions for them. Finally, it is recommended that the pool of volunteers have a mix of age groups to provide a variety of perspectives.

If these criteria are met the volunteer is subjected to a criminal records check. Individuals with criminal records are not excluded from enrolling as volunteers but the Program Director and Circle Coordinator are encouraged to further interview those individuals to ensure that they are not likely to endorse pro-offending thinking or minimize behaviors instead of holding the Core Member properly accountable. Once the criminal record checks are filed suitable applicants are invited to participate in the skills training sessions. These are four 3 hour sessions (12 hours in total) over two full days. These sessions provide an understanding of the long-term effects of institutionalization, dynamic risk factors and offense cycles in sex offending, relapse prevention plans, accountability, Circle logistics (e.g., meeting practices), Core Member needs and appropriate volunteer responses to those needs, victim advocacy, and personal boundary-setting and self-care. After a final screening, successful applicants are officially enrolled as trained volunteers.

### Phase 3: Forging the Circle

Once Core Members and volunteers have been identified and enrolled and Circles can be developed. Circle development involves two processes: covenanting and engaging in Circle contact. The first task for the Circle, with the support of the Circle Coordinator, is to develop the covenant. The covenant is the foundational document of COSA. It is a non-legally-binding agreement between the volunteers and the Core Member that establishes the norms and behaviors appropriate to the group, clarifies the expectations of the Circle, and defines the consequences for failing to meet those expectations. All are expected to commit to a 1-year Circle duration. Confidentiality is ensured and the ethos of 'no secrets' is enshrined - individuals within the Circle cannot share secrets or initiate and maintain friendships that are unknown to the rest of the Circle.

The volunteers agree to assist in practical living needs, to demonstrate open and honest communication, to work in consensus with the rest of the Circle, and to consult the Circle before others on matters related to the Core Member. The Core Member agrees to live by the terms of the covenant, to live an offense-free life, and to notify the Circle if they are having difficulty doing so. The Core Member agrees to respect personal boundaries, to be open and honest, to share information such as relapse prevention plans and offense cycles with the Circle, to adhere to their conditions of release, and to cooperate with the criminal justice authorities.

The second task is to engage in Circle contact, through regular scheduled Circle meetings. Circle meetings occur at least once a week in the initial stages, although in complex cases daily contact is recommended. The first 4-6 weeks are particularly intense

and this intensity could decrease over time, and so frequency of contact can be reduced if the Core Member is making progress. Meetings are held in pre-arranged locations in the community and are attended by all members of the Circle. Group cohesion is the key and leadership and decision-making is non-hierarchical and based on group consensus. In the early stages of the Circle the Circle Coordinator also attends meetings to take notes and facilitate discussion, until these responsibilities can be safely passed to a volunteer.

Temporary attendees, such as psychologists, police officers, parole/probation officers, chaplains, or researchers, may be invited to attend meetings if agreed by all members of the Circle.

A Circle meeting typically involves each member of the Circle 'checking in' and discussing their week, ending with the Core Member. Volunteers inquire about the Core Member's progress and will discuss their concerns. Should the Core Member disclose any concerning or unusual behavior to Circle members then the Circle will discuss this, hold the Core Member accountable, and support the Core Member in addressing those behaviors. In the event of the Core Member disclosing behaviors that contravene any of their conditions of release or that could potentially place community members in danger, then the Circle will request that the Core Member disclose this information to their Parole or Probation Officer of their own volition. If the Core Member refuses to do so then the Circle will report the behavior immediately to the Circle Coordinator, who will contact the Core Member's Police or Parole Officer.

In exceptional circumstances the Circle can meet without the Core Member (e.g., if Circle is not functioning effectively or if the Core Member is in custody or is physically

incapacitated). In most cases the Circle will inform the Core Member that they are meeting without them (the 'no secrets' policy).

#### **Phase 4: Ongoing Circle support**

Once the Circle has been established and is fully-functioning it is the responsibility of the Circle Coordinator and Program Director to provide ongoing support. This includes (but is not limited to: (1) Circle management; (2) record keeping; and (3) volunteer support.

The implementation of Circle policies and procedures are managed by the Circle Coordinator. This includes the scheduling of regular contact between the Circle volunteers and the Core Member, either in terms of group meetings or individual contact. There is ongoing re-appraisal of the covenant and the Core Member's conditions of release, to ensure that these are being recognized and respected. Circle dynamics and communication between the inner and outer circles are monitored, and enhanced where necessary, by the Circle Coordinator. Finally, the Circle identifies and deals with problems and obstacles to successful reentry and potential crisis situations encountered by the Core Member.

Records are maintained with file information such as offense cycles, covenants, court orders, important Circle decisions, and communications with affiliated professionals being securely filed and stored. Circle specific data such as attendance, inception dates, meeting dates and durations, critical incident dates, concerns, goal achievement, and outcomes will also be collected. Reporting of data is also necessary, with the Advisory Group receiving periodic updates. Similarly, external funders are likely to expect reports of



the program's achievements. Finally, data should be made available for research and evaluation activities.

Finally, it is recommended that ongoing support also be provided to volunteers. This includes the opportunity to provide regular feedback and to discuss their experiences and concerns to the COSA team. Further skills training should be offered to allow volunteers to increase their competency in supporting the Core Member, such as crisis management, group dynamics, or local employment and housing procurement procedures. This helps to keep the volunteers informed, healthy, safe, and motivated, which aids retention.

### **Phase 5: Dissolution of the Circle**

The final phase of the COSA model is the dissolution of the Circle. There are three broad outcomes for Circles. Firstly, the Circle can be disbanded through mutual consent and the official bonds between the Core Member and their Circle become unofficial (but may endure if the Core Member and volunteers wish). Secondly, the life cycle can be extended. The principal lifespan of a Circle is one year, however if ongoing support beyond one year is beneficial for a Core Member then extensions can be negotiated. Volunteers who do not wish to extend their commitment further can be replaced if necessary, dependent on the needs of the Core Member. Thirdly, the Circle can be disbanded due to the Core Member breaking the covenant. If action is taken against a Core Member by a criminal justice agency (e.g., is rearrested), the Circle Coordinator will call a debriefing session where a plan for the future of the Circle is developed. In instances where the Core Member is re-institutionalized, the Circle makes a decision whether to continue to provide support. If the Core Member is returning to the community then serious decisions need to

be made regarding the potential effect of disbanding the Circle on community safety - and usually the Circle is encouraged to work through the violation. Finally, if the Circle is disbanded then the appropriate authorities should be informed.

### **Summary of the intended model**

The above sections outline an effort to comprehensively clarify COSA program intent - an 'espoused theory' of COSA. From an analysis of the popular CSC COSA model (CSC, 2002; 2003) these sections outline: (1) the mission, aims, and objectives of COSA; (2) an anticipated management structure; and (3) the intended operational processes by which the various stakeholders develop the COSA program, through the establishment, maintenance, and dissolution of individual Circles and the recruitment, support and retention of service users.

## EXPLORING COSA PROGRAM REALITY

Effective programs employ specific activities and interventions known to produce desired outcomes (intervention effectiveness) and implement those interventions with high fidelity to the program model (implementation fidelity) (Fixsen, Naoom, Blase, Friedman, & Wallace, 2005). A program may select or design evidence-based interventions<sup>6</sup> but implement them poorly, leading to high intervention effectiveness, but low implementation fidelity. Conversely, a program may select or design poor interventions, but actually implement them well leading to low intervention effectiveness, but high implementation fidelity. Table 1 summarizes these possibilities. The goal of program improvement is to establish effective intervention and high intervention fidelity (Table 1: upper left-hand quadrant) as this is the condition that maximizes desired outcomes.

**Table 1:** Interaction between intervention effectiveness and implementation fidelity.

		Implementation fidelity	
		High	Low
Intervention effectiveness	Effective	Good intervention Good implementation	Good intervention Poor implementation
	Ineffective	Poor intervention Good implementation	Poor intervention Poor implementation

<sup>6</sup> This report has noted that, at this time, the previous research does not establish COSA as an evidence-based intervention. In this context, high intervention effectiveness relates to the adoption by sites of a comprehensive and consistent espoused theory of COSA.

The matrix of program elements in Table 1 served as the guide for data collection regarding COSA implementation. During each site visit, key staff and volunteers were interviewed, and documents related to operational policies and procedures were reviewed to collect data on how the program-in-action met each of the elements outlined. In addition, patterns of case-flow were documented in order to estimate how many Core Members are enrolled at each site annually, which has important implications for the statistical power of any future outcome evaluation. As part of this support for the use of a randomized control trial (RCT) in an outcome evaluation was examined.

### **Data collection methods**

Data were collected via site visits to five locations delivering, or intending to deliver, COSA programs in the U.S.: Fresno, CA; Denver, CO; Durham, NC; Lancaster, PA; and Burlington, VT (See Appendix A for a map of locations). COSA projects at these sites have different names and acronyms that are often geographically specific. For consistency, they are referred to in this report as COSA Fresno, Colorado COSA or CO-COSA, COSA Durham, COSA Lancaster, and Vermont COSA or VT-COSA.

During these site visits in-person interviews were conducted with key program personnel - Regional Directors, Local Project Coordinators, representatives of the referring criminal justice agencies (DOC, Parole, or Probation), and volunteers. Other key interested parties were also interviewed wherever possible, including members of the Board of Directors, steering group/advisory board members, and other government agencies (e.g.,

Sex Offender Assessment/Management Boards). Any documented material related to COSA policies and procedures were also requested.

Of the five sites visited, two could be regarded as established programs (COSA Fresno and VT-COSA), with 10 or more Circles currently in operation. One was a newly-established program (COSA Lancaster), with Circles in operation, but less than five. Two were fledgling programs (CO-COSA and COSA Durham), with Circles in development, but none in operation. Individual site reports are available that include findings on program fidelity, which are summarized in the following section.

Data was collected and analyzed using a fidelity item measurement tool (see Appendix 1) and a data item measurement tool (see Appendix 2). The fidelity item measurement tool examines 41 items across 10 fidelity categories, including management, model, operations, outcomes, staff, Core Members and volunteers. There is no definitive consensus on what constitutes high program fidelity, but evidence suggests fidelity levels of 60% and greater (i.e., 60% match between program intent and program reality) are associated with strong outcomes (Durlak & DuPre, 2008; Latessa & Lowenkamp, 2006). Thus, programs with an implementation score approaching or exceeding 60% were considered to be well-implemented. The data item tool examined whether 23 key data variables were either available on-site, available from an external source (e.g., DOC, Parole, Probation, etc), or not available. Copies of all and any relevant policy, procedure, training, or communicative documentation were collected electronically or in hard-copy form.

## Site report summaries

The following sections briefly outline program reality at each of the five sites, fidelity scores, and recommendations relating to the ability of each site to participate in evaluative activity.

### COSA Fresno

COSA Fresno is operated by the Center for Peacemaking and Conflict Studies (CPACS) at the Fresno Pacific University, California. According to a 2008 CASOMB report, approximately 67,700 registered adult sex offenders lived in California's communities at that time, roughly 75% of whom have fully-completed their sentence and are not under any formal criminal justice supervision. COSA Fresno is based on the CSC model (CSC, 2002; 2003), adapted where necessary to operate within the context of sex offender reentry in California. COSA Fresno currently has 25 Circles in operation. At the time of the site visit COSA Fresno was described as operating beyond capacity. COSA Fresno was awarded a fidelity score of 58%.

COSA Fresno deviates from the intended model in a number of ways. Firstly, some Core Members have not completed their sentence in full and are returning to the community under a combination of COSA and formal parole supervision. Secondly, volunteer applicants' are not subjected to an official criminal records check and personal references are not checked. Data collection is limited to those gleaned from volunteer application forms and interviews, Circle meeting notes, and information collected during Core Member referral and intake. There are two key obstacles to evaluation at COSA Fresno. The first is that there is concern for the financial viability of the site in the long-

term. The second, related to the issue of limited capacity, is the potential sample size available.

In conclusion, operations at COSA Fresno are impressive given the limited resources available. It is concluded, however, that only with significant investment in the site could these methodological issues and obstacles can be resolved in a short enough period of time for COSA Fresno to be considered equipped to contribute to rigorous experimental evaluation. If investment were possible, then it would be recommended that COSA Fresno be included in any evaluative activity related to the effectiveness of COSA in the U.S., either as a single site or as part of a multi-site evaluation.

### Colorado COSA

Colorado COSA (COCOSA) is a non-profit organization, funded by the Colorado Department of Corrections and seeking additional private funding. During the past four years Colorado has been reforming criminal justice practices. This has led to approximately \$25 million dollars being reallocated from the corrections budget to funding for intervention programs. Colorado COSA (COCOSA) uses an adapted version of the CSC model (CSC, 2002; 2003) that also draws from materials collected from COSA programs in Fresno (CA), Alaska, Vermont, and the United Kingdom. COCOSA is in the initial stages of developing their first COSA Circles. Colorado COSA was awarded a fidelity score of 27%.

The COCOSA model appears to deviate from the intended model in a number of ways. Firstly, selected Core Members have not completed the whole of their sentence and are in the community under a combination of COSA, and Parole or Probation supervision. Secondly, there appears to be a degree of flexibility in the criteria for Core Member

selection. It was not possible to assess data management because the project is still in development.

It is clear that the project is well-resourced (both in terms of finance and personnel), has a strong model in place, and has learned valuable lessons from its first unsuccessful incarnation. It is concluded, however, that at this time Colorado COSA cannot be considered to be operating at a sufficient capacity that would allow it to positively contribute to rigorous evaluation.

### **COSA Durham**

COSA Durham is funded in part by the Durham County Criminal Justice Resource Center (CJRC) and located in Durham Congregations in Action (DCIA). According to recent North Carolina Department of Justice statistics approximately 272 registered sex offenders reside in communities in the Durham, NC region. The COSA model established at COSA Durham is an adapted version of the Correctional Services Canada model (CSC, 2002; 2003). At the time of the site visit, COSA Durham was in the program development stage and not operating any Circles. COSA Durham was awarded a fidelity score of 24%.

The anticipated COSA Durham model appears to deviate from the intended model in a one key way. Selected Core Members may not have fully completed the whole of their sentence and all returning sex offenders are subject to 5 years post-release supervision. It was not possible to assess data management because the project is still in development. The key obstacle to evaluation is that the site is currently at very low capacity.

Nonetheless, it is clear that the project is well-resourced (both in terms of finance and personnel), has a strong model in place, and has learned valuable lessons from its first



unsuccessful incarnation. It is concluded, however, that at this time COSA Durham cannot be considered to be operating at a sufficient capacity that would allow it to positively contribute to rigorous evaluation.

### **COSA Lancaster**

COSA in Lancaster, Pennsylvania, is operated by the Center for Community Peacemaking (CCP). According to the Pennsylvania State Police, there are approximately 785 registered sex offenders residing in the community in Pennsylvania. COSA Lancaster uses an adapted version of the CSC model (CSC 2002; 2003). Three months into this second iteration of the program, COSA Lancaster currently has three Circles in operation. COSA Lancaster was awarded a fidelity score of 52%.

COSA Lancaster deviates from the intended model in a number of ways. Firstly, selected Core Members have not completed the whole of their sentence and are returning to the community under a combination of COSA and formal parole and probation supervision. Secondly, there appears to be flexibility in the criteria for Core Member selection. Thirdly, at present the establishment of the project team has not yet been fully achieved. The state of data collection, management and storage is a serious concern, but should be balanced with the short time in which the site has been in operation. The key obstacle to evaluation is that the site is currently at very low capacity.

Nonetheless, COSA Lancaster has been successful in forging their first Circles and appears to have been successful in maintaining these. It is concluded, however, that at this time COSA Lancaster cannot be considered to be operating at a sufficient capacity that would allow it to positively contribute to rigorous evaluation.

## Vermont COSA

Vermont COSA is managed by the Vermont Department of Corrections (DOC) from their offices in Williston, Vermont. As of June 2012, the Vermont DOC reported a total of 1,212 registered sex offenders, 55% of whom reside in the community on parole, probation, intermediary sanctions, or as part of a re-entry scheme. Vermont COSA (or VT COSA) was formed in 2005 using funds from a Serious Violent Offenders Reentry Initiative grant. The DOC facilitates around 50 Circles per year on current resources and funding. Vermont COSA was awarded a fidelity score of 86%.

VT COSA was found to deviate from the intended model in a number of ways. Firstly, VT COSA is managed centrally by the Vermont DOC, which has implications for COSA activity. Secondly, selected Core Members have not completed their sentence in full and are returning to the community under a combination of COSA and formal parole supervision. Thirdly, there appears to be some flexibility in the criteria for Core Member selection. The quality of data and data systems at VT COSA are excellent. The only obstacle to evaluation for VT COSA may be the potential sample size available.

It is concluded that these methodological issues and obstacles can be resolved and that Vermont COSA can be considered equipped to contribute to rigorous experimental evaluation. Vermont COSA could be evaluated either as a single site or as part of a multi-site evaluation.

## Summary: Assessment of program reality

In summary, all of the sites have implemented versions of the Correctional Services Canada (CSC, 2002; 2003) model, adapted to suit their needs. Only COSA Fresno appeared to be running the program in the absence of formal parole or probation supervision in the community. At the other four sites COSA was implemented as a method of augmenting traditional criminal justice authority supervision with community support and peer-led pro-social modeling. Financial and operational security differed between sites. All of the sites except COSA Lancaster had been provided with central government funding to develop their program. Management structure also differed between sites, with some sites running on a small part-time staff due to a lack of resources and other sites being able to employ full-time staff to develop policy and oversee operations. Some were housed in large local or state government organizations whereas others were housed in smaller community-based organizations.

In conjunction to this report, the five related site reports present provide the individual findings at each site during this evaluability assessment. Fidelity scores at the sites were (in descending order): Vermont COSA - 86%; COSA Fresno - 58%; COSA Lancaster - 52%; Colorado COSA - 27%; and COSA Durham - 24%. These fidelity scores represent the percentage of 100 fidelity items that were observed in program reality. The site reports suggest that VT-COSA could be considered to have high program fidelity, demonstrating both a good intervention with good implementation. Two sites are reaching scores that suggest adequate implementation (COSA Fresno and COSA Lancaster). COSA Fresno and COSA Lancaster were considered to have good implementation but a poor intervention, due to a lack of formal policies and procedures. It is recommended that these

sites focus on formalizing their aims and objectives and making the intended COSA delivery more prescribed and consistent. CO-COSA and COSA Durham were considered to have a good intervention but poor implementation - essentially because they had no Circles in progress. It is recommended that these sites focus on ensuring the quality and consistent delivery of their intended programs as they begin to forge Circles.

## **KEY FINDINGS AND LESSONS LEARNED**

This section draws together the findings and provides conclusions on the ability of the sites to engage in a larger evaluation, what form that evaluation may take, and what obstacles exist to successful evaluation.

### **What would an evaluation of COSA measure?**

The key research question that an evaluation of COSA would seek to answer is whether COSA program is effective. The long-term aims of COSA are the development of personal skills, reductions in criminogenic risk, and reductions in reconvictions (particularly sexual reconvictions). Previous outcome studies, however, have focused on reductions in reconviction<sup>7</sup>. A myopic focus on recidivistic outcomes seems though to disregard the other aims, increasing social capital and reducing risk levels. COSA also seeks to increase pro-social behavior in the Core Member. The aim is to assist the Core Member in developing personal skills such as self-management and interpersonal communication skills that would consequently assist them in increasing their social capital and decreasing

<sup>7</sup> It should be noted that other studies of COSA have reported intermittent data on non-recidivism outcomes for Core Members.

their perceived level of criminogenic risk. These improvements could be addressed with a well-designed evaluation plan, where a theory of change in pro-social behavior could be developed and measured as an outcome. A single focus on recidivism neglects the accountability principle of COSA and its positive effects in the community. As discussed later in this section, in some cases even reconvictions could theoretically be considered program successes and effective evaluation would need to account for this.

A number of program variables would need to be controlled in an evaluation of COSA. These include Circle-related variables, such the dosage of COSA (i.e., whether contact with the Circle is weekly, monthly, annually, and how long those frequencies were in place), the number of volunteers per Circle, and the duration of the Circle. Core Member variables would need to be included, such as demographic information and psychological data, such as motivation, decision-making skills, pro-offending cognitions, etc. Volunteer variables would also need to be included, such as their communication skills, empathy, and problem-solving abilities. Finally, it would also be beneficial to include some environmental data, such as regional crime rates for sites and information about the institutions from which the Core Members are released.

The following section outlines potential evaluation designs for COSA. Firstly, it will assess the possibility of using experimental methodology, namely a randomized controlled trial (RCT). Secondly, it will examine the possibility of using quasi-experimental designs as an alternative to an RCT. In general, RCTs are thought to produce more credible estimates of program effects than quasi-experimental designs, but RCTs are often more difficult to implement (Reichardt & Mark, 2004).

## Could experimental methodology be used?

Randomized controlled trials involve the random assignment of people to either an intervention or control group, allowing evaluators to draw direct causal inferences about the effectiveness of the intervention, and have been the method of choice in medical effectiveness for many decades (Shadish, Cook, & Campbell, 2002). In spite of the practical challenges of conducting them, RCTs are widely viewed as the 'gold standard' for program evaluation (Weisburd, 2010) and are increasingly desired, even expected, by evaluation sponsors. There have been, however, few RCTs of sex offender programs, leading many to call for the employment of well-controlled RCTs (e.g., Hanson et al., 2009; Harris et al., 1998; Losel & Schmucker, 2005; Marques et al., 2005).

The benefits and ethics of conducting RCTs with sex offender populations is a somewhat controversial topic in the sex offender treatment community. In a 2007 paper, Marshall and Marshall criticized RCTs for being scientifically elegant, but of little relevance to practitioners. The authors argued: (1) RCTs lack administrative support; (2) the requirements for manualization and standardization in RCTs stifle clinical responsiveness and creativity; (3) they are unable to control all possible variables related to the program, the offender, and each of their environments; and (4) RCTs are unethical because they don't allow potential victims to provide informed consent and treatment cannot be offered to the control group because of the long-follow up times typically required of studies of recidivism outcomes. In reply, Seto et al. (2008) argued although there are many difficulties in the implementation of RCTs, they are the only way the field can develop credibility and an evidence-base for practice and prevention, and that the problems can only be overcome by conducting RCTs and learning from the process.

Certainly, if an RCT of COSA were proposed, there would need to be some discussion of the ethical implications of creating a control sample of COSA-suitable sex offenders released into the community without COSA. As with any under-researched intervention, at this time it is simply not known whether COSA works (otherwise there would be less need to evaluate it the first place). Indeed, COSA may even be iatrogenic. Thus, there is no present basis for saying that any individual would be helped or harmed by being denied COSA in the context of an RCT. Also, as the majority of the sites identified for the evaluability assessment are operating in conjunction with traditional Parole and Probation practice, the alternative to COSA is not 'no intervention' but 'supervision as usual'. The control group proposed would simply represent those with ongoing formal supervision for all other sex offenders. It is also unlikely that the sites would have the resources to provide Circles for all COSA-eligible offenders even if it were desired. Therefore, there are likely to be COSA-suitable offenders on 'waiting lists' that would make a suitable control sample for an RCT.

### **What COSA-related obstacles to experimental evaluation exist?**

It is concluded that there are five potential obstacles that need to be addressed in order to conduct a successful experimental evaluation of COSA: (1) choice of outcomes; (2) significant differences in program implementation; (3) core member selection issues; (4) sample size, site capacity, and low baselines of recidivism; and (5) ownership of data.

## Choice of outcomes

The first concern is what to include as the outcome(s) of any planned evaluation. Those studies conducted so far (Bates et al., 2013; Duwe, 2013; Wilson et al., 2007; Wilson et al., 2009) have used recidivism as the outcome - comparisons between COSA and non-COSA offender groups based on how many reoffended and how many did not. A positive outcome for COSA was deemed to be one where recidivism was reduced in the experimental group. Reducing recidivism is critical to COSA's mission of 'no more victims' and therefore an examination of the reductions in re-offending attributable to COSA is required.

Nonetheless, a myopic focus on recidivism as an outcome does not adequately account for the accountability principle in COSA. The Circle is designed to hold the Core Member accountable for their behavior. If the Core Member engages in risky or actual offending behavior then it is the Circle's responsibility to react in a responsible pro-social manner. If the aim of COSA is to prevent further victimization it could plausibly be argued that in a situation where the Core Member reoffends, but where that reoffending is detected by the Circle and the Circle either convinces the Core Member to inform the relevant authorities or the Circle members report it themselves, then that can also theoretically be considered an effective circle. That hypothetical Circle has excelled in its role of delivering accountability for Core Member behavior. Furthermore, it could be argued that this hypothetical Circle has prevented the further victimization of any individuals identified as the target of the detected offense and possibly prevented what may have regressed into a series of undetected new offenses. In essence, if the outcome of



accountability is that the Core Member is re-incarcerated, this too may be considered best-practice in COSA.

This is something that needs to be accounted for in any decision as to what constitutes success and failure in the COSA logic model. In terms of an RCT, the outcome variable is likely to be dichotomous: was recidivism observed or not. However, this tells us very little about what it is about COSA that effects that reduction in recidivism. Thus, it would also be recommended that any evaluation also plan a theory of change for COSA and explore the elements required to bring about the changes in behavior that are related to any reduction in recidivism. The logic model outlined includes some of these variables, both distal (e.g., increased risk awareness, problem solving, self-esteem, pro-social cognition) and proximal (e.g., successful access to services such as housing and financial aid). By evaluating more than just recidivism the links between activities and/or learning experiences and the achievements of COSA can be better understood.

### **Differences in implementation formats**

The site visits highlighted two discernible and potentially significant divergences in the way in which COSA projects are implemented in the U.S. The first divergence is between grass-roots (bottom-up) and institutional (top-down) models. The second difference is between fully-completed and supervised Core Members. Each of these could represent key differences in the populations from which samples might be drawn.

The first divergence in implementation is between grass-roots and institutional models. Grass-roots models describe an interested organization, typically already engaged in other restorative justice activities, that decides COSA is a project they can implement.

They form a COSA team (Phase 1 of the intended model) and then invite criminal justice agencies to orientations (Phase 2) in order to develop relationships and solicit referrals. The further development of COSA is driven primarily by the grass-roots community organization itself and they are typically self-funded (or at least, are responsible for sourcing their own funding). Examples of grass-roots models include COSA Fresno, COSA Lancaster.

The second are institutional models, where a criminal justice agency (e.g., a DOC) decides that COSA is a program that can be utilized to augment ongoing traditional management of sex offenders and/or to achieve organizational goals related to restorative justice principles. The agency subsequently identifies (or creates) smaller community organizations who then form COSA teams (Phase 1). The agency then sub-contracts those community organizations specifically to implement the COSA program. In this model there is little or no need to implement Phase 2 of the intended model (orientations) as the criminal justice agency is the primary source of referrals. Examples of institutional models include COSA Durham and VT-COSA. COCOSA may, once fully-established as a provider, represent a third, hybrid grass-roots/institutional model where the management of COSA is carried out by a grass-roots non-governmental organization, but that organization sub-contracts smaller community organizations to provide the Circles.

There may be some systematic differences between these approaches that need to be addressed in the methodology should a larger-scale evaluation involve multiple sites. For example, it may be easier for the top-down projects to secure State or Federal funding for COSA and thus those sites may have greater resources in order to run the COSA program effectively. Conversely, it could be the case that the apparent flexibility and

freedom that comes with the lower levels of bureaucracy witnessed in the grass-roots approach to COSA has allowed those sites to push forward and innovate where the institutional programs cannot.

The ability to evaluate the COSA program depends on whether these differing organization models can be considered the same program. Both implementations have the same Core Member and volunteer selection criteria and the implementation of the Circles themselves is identical in both theory and practice in that both are, in effect, run by non-governmental community organizations. In this sense the differences between these two models on the ability to successfully evaluate the program with an RCT may be negligible.

### **Fully-completed versus supervised Core Members**

The second divergence in implementation is that in some programs COSA Core Members have fully-completed their sentence and some are released under parole and probation supervision. Paroled offenders are provisionally released early from incarceration, under certain conditions of release, prior to completing their maximum sentence period. Offenders on probation have been sentenced to community supervision and restriction as a substitute for incarceration. These offenders are supervised in the community by either a Parole or Probation Agent (depending on the jurisdiction). Fully-completed offenders, conversely, have completed their sentence in its entirety and as such may not be under formal supervision in the community.

The intended model of COSA set out in this evaluation, based on the original CSC model (CSC, 2003; 2002), is for implementation with fully-completed offenders. The rationale in the original Circles in Ontario is that they filled a gap in supervision for high-

risk offenders who did not have any formal supervision in the community with COSA providing support and accountability. A number of sites, however, implement COSA to augment supervision in the community for parolees and even individuals on probation. These individuals have both COSA and formal supervision in the community. Thus, first and foremost this is a philosophical innovation and raises questions about whether COSA implementations in the U.S. are addressing the problems that COSA was designed to address – namely addressing the lack of formal support for high-risk offenders where no criminal justice supervision can be offered.

This also poses a potential methodological concern if it were to create a situation where there is a systematic difference between the supervisory experiences of different Core Members. A systematic difference in the environments into which these individuals are being released and in which their COSA operates could mean that supervised Core Members, for example, may have more conditions of release than a unsupervised offender (who presumably has only registration, notification and residency restrictions as a sex offender) and therefore may be more restricted in the community and exposed to more opportunities to break those conditions.

However, this issue may be negligible for two reasons. Firstly, the current legislative context is such that in most jurisdictions it is unlikely that a registered sex offender would be returned to the community with no formal parole or probation supervision, particularly one who is deemed to be at high-risk of reoffending. The site visits highlighted the fact that the vast majority of programs were required to tailor their service for sex offenders released into the community under formal supervision, even if they have completed their sentence. What COSA provides at the sites in this evaluability assessment is an

individualized intensive peer-led support and accountability component to reentry that parole and probation departments may not have the available staff, time, or resources to provide.

Secondly, an experimental evaluation of COSA could balance fully-completed with supervised offenders - so long as supervision is adequately controlled for. Therefore, although the supervisory environments and consequently the lived experience of the Core Member may differ, an evaluator could control for the intensity of supervision for offenders (e.g., the frequency of home visits or the use of electronic monitoring), differences in notification, registration and residency restrictions. Other factors affecting the offender's environment would also need to be controlled, such as treatment, employment opportunities, and access to housing. Controlling for supervision would allow evaluators to confidently state that any observable effect is due to the COSA program and not differences in community supervision.

### **Core Member and volunteer selection issues**

One potential implementation obstacle to the evaluation of COSA is the issue of Core Member selection – specifically, (a) the suitability criteria and (b) its use during the referral process. Firstly, there may be an inherent selection bias in the selection of Core Members. According to the model Core Members are only suitable if they are highly motivated to change, seeking an offense-free life, and agree to abide by the covenant and their conditions of release. Therefore, the COSA sample represents an eager, positive, and compliant sample and therefore it is perhaps unsurprising to find that so many are successful in the

community. In this case, it becomes even more important that the control sample is equally motivated to an offense-free life, in order not to create a sample bias.

This is an issue, however, that can be addressed in an experimental design. So long as the control group is drawn from the same pool of highly-motivated inmates as the experimental group this should not affect the evaluators' ability to draw conclusions related to the effectiveness of COSA for suitable clients. However, the potential-for-success driven selection criteria for COSA may not allow for evaluators to make any further generalization to all 'high risk, high need' sex offenders. It was noted in the introduction to this report that a major concern in previous evaluations of COSA was the use of retroactively assigned control groups comprising individuals who were not offered COSA, and often the rationale for not offering COSA was not provided. A key aim in any future evaluation of COSA would be to ensure a high-quality, high-integrity randomization process.

Secondly, the initial assessment of suitability for Core Members is often completed by the DOC. Thus, the responsibility for ensuring that those referred to COSA are suitable and that the criteria for suitability are standardized and being used consistently lies outside the remit of the COSA program. This means that in order to successfully control for selection bias COSA would need to be able to affect policy and procedure within referring agencies. This could be rectified through the use of a memorandum of understanding between COSA and each referrer that they agree to implement the criteria consistently and in full.

There is concern the Core Member selection criteria are not rigorously or consistently applied. Most of the sites were willing to waive some of the criteria to provide

Circles to individuals who do not meet the criteria. The criteria were often seen as informal screening guidelines and the final decision on Core Member acceptance was effectively one of reasonable judgment *informed* by the criteria. In few cases were the criteria operationalized, applied to all, and verified by some tangible form of evidence (e.g., risk assessment scores). This form of unquantifiable judgment is not conducive to good experimental practice, and thus it would be essential to instigate rigorous, objective, and ideally actuarial selection procedures at sites. In essence, it would be strongly recommended that sites specify the evidence on which these decisions are made.

There is also a similar issue with the criteria for volunteers. The criteria for volunteer selection are difficult to operationalize. Criteria such as stability and maturity are difficult to measure and provide adequate evidence for, so it appears that sites use reasonable judgment on these criteria too. It can be assumed that the capability of the volunteers is of crucial importance to the outcome of the Circle. It is understood that volunteering time to support the reentry of a high-risk sex offender into a community is not an easy initiative to recruit for. Nonetheless, in order to control for the quality of services being provided to Core Members it would be recommended that sites seek to operationalize and specify the evidence on which these decisions are made. If not, they should state that reasonable judgment is used.

### **Sample size, site capacity, and low baselines of recidivism**

Limited sample size is also an issue for successful evaluation of COSA. RCTs will be difficult for sites with fewer numbers of eligible Core Members. The total number of Circles currently being facilitated across all five sites is estimated to be around 78 per annum. If

any form of experimental or quasi-experimental methodology is desired, then there would either need to be a significant increase in capacity at those sites with fewer eligible Core Members or further sites would need to be identified and developed.

The use of experimental methods would also increase the demand for COSA-eligible participants, in order to also provide a control sample for comparison. The varying populations in which the sites operate will also affect sample size. For example, this evaluability assessment found Vermont COSA to be well-implemented, but the state has only approximately 1,000 registered sex offenders. It is likely that a small proportion of these offenders will meet the criteria for COSA Core Members (i.e., high-risk, high-need). Similarly, the other sites found to be reasonably well-implemented, Fresno COSA and Lancaster COSA are also in less-densely populated areas, where numbers of suitable Core Member candidates may be limited.

Another potential issue to examine is the possible effect of the low baseline rates of recidivism in sex offenders. In their meta-analysis of recidivism rates predicted by Static-99R and Static-2002R, Helmus et al. (2012) present percentage recidivism rates at 5 years from a series of studies that included recidivism as an outcome variable. As Helmus et al. state, "A plausible range for the 5-year recidivism rate for the typical sex offender would be between 4% and 12%" and that "[most] sex offenders would be expected to have 5-year sexual recidivism rates of 7% or less." (p. 18). For the purpose of this evaluability assessment, selecting the recidivism rate for those studies in the Helmus et al. study of offenders with an average Static-99R score of 3.5 or higher (a score of 4 or above is considered high risk) and performing a weighted average provides a crude estimated recidivism rate of around 19.7% for high risk sex offenders, approximately 1 in 5.



Thus, the small populations from which to draw numbers of COSA-eligible participants combined with the low rates of recidivism expected for both COSA Core Members and controls, any expected observable effect of COSA will be small. The size of the expected effect of a program is the key determinant of the sample size needed to conduct a successful RCT and the smaller the expected effect of the program, the larger the sample size required for evaluators to be able to conclude, with enough power, that observed differences are unlikely to be due to chance (Rice & Harris, 2003; Stolberg, Normal, & Trop, 2004). Therefore, in order to conduct an experimental evaluation of COSA there would potentially need to be a significant increase in the number of Circles being provided at sites.

As St. Pierre (2004) noted, although studies based on large sample sizes yield the greater statistical power, it may be possible for studies with smaller sample sizes to increase the precision of impact in other ways, such as by controlling more carefully any differences in baseline characteristics of participants that are related to the outcome. Controlling for baseline characteristics, however, may be difficult in COSA. COSA is a program that celebrates its flexibility and its ability to operate for the benefit of a diverse range of offenders. Nonetheless, by incorporating better measures of Core Member characteristics, and by instigating more efficient transfer of data between criminal justice agencies, it is feasible that a number of variables can be controlled for. Examples include prior treatment provision and success, risk scores, social capital, and psychological characteristics. Therefore, it is not inconceivable that with careful control of key variables an RCT could be conducted by combining samples in a multi-site evaluation, should the fledgling sites hit their targets for Circles created within the next year.

## Ownership of data

In order to adequately control for bias in an RCT, critical variables related to the Core Member on release would be essential in order to establish whether the differences between the groups can be attributed to the COSA program and not other factors (e.g., Core Members reentering with varying degrees of therapeutic experience and success). One of the key criticisms of program evaluation can often be that evaluations report significant results between their users and controls, but either fail to explain what it is about their program that is producing this change and/or fail to control for potentially confounding variables and factors. Perhaps the most important factor in establishing the effectiveness of a re-entry program is that an evaluator can control for the potential resilience of the offender at the point of release, for example, their unique levels of experience and success of treatment, their personal protective factors, their social capital, and the characteristics of the environments into which they return<sup>8</sup>.

It was noted during the site visits that in many instances key data, particularly for the Core Member, were not solicited, collected, or reported by the COSA programs. Consequently, some variables that would be critical for evaluators, such as risk assessment scores and sex offender treatment histories (e.g., dosage, type, etc) would need to be solicited and collected from the criminal justice agencies that referred them. This would be labor-intensive and depend on the evaluator's ability to access documents from various DOC/Parole/Probation at both state and local levels. Requirement to apply for access to these data is likely to have a negative effect on the ability of future evaluators to collect data in a comprehensive and timely manner. It is recommended that sites seek to develop

<sup>8</sup> This may be of particular concern should an evaluation include samples including both supervised and fully-completed Core Members.

their relationships with their referrers to improve the flow of data from the criminal justice agencies to the COSA programs.

## **Lessons learned**

The following section outlines a further two intangible issues that could have a significant impact on the ability to successfully evaluate COSA. These represent lessons learned by the sites while developing their COSA program or issues noted by the evaluators while visiting the sites.

### **Relationships between COSA and criminal justice agencies**

The first lesson is that the key to the successful implementation of COSA is the quality of the relationships between the program and their criminal justice partners. This was a key lesson expressed by those sites whose initial attempts at implementing COSA had failed. Those sites found that the ability to develop close and enduring working relationships with the criminal justice agencies from which you receive referrals from is vitally important. Ultimately, these agencies are responsible for offenders in the community and public safety. Therefore, a high level of trust is needed between the agencies and the COSA team in order for the agencies to delegate a share of that responsibility. If a Core Member fails, especially if they are supervised in the community, then responsibility lies with the supervising agency. Therefore, COSA needs to be able to demonstrate quality and integrity and have the DOCs and the Parole and Probation Service as positive partners.

During the project there was some concern about mistrust of COSA projects by the staff of the criminal justice agencies. Without this trust the projects are unlikely to receive high numbers of referrals, nor will they be able to implement the intended COSA model if the criminal justice agencies feel they need to micromanage the COSA project in order to maintain community safety. This would have large implications for an evaluator's ability to examine outcomes. It is recommended that sites reappraise their relationships with their criminal justice partners and ensure that they can demonstrate those close and enduring working relationships.

### Site vulnerability

The second lesson, learned by the evaluators, was the importance of program strength and stability. In some circumstances programs were being managed by enthusiastic, hard-working, and well-meaning staff, but in unstable working environments. Essentially those programs were enduring through the personality and perseverance of one or a small handful of personnel. It would be of concern to an evaluator of COSA, whether those programs could cope with the loss of key staff members during an evaluation and continue to function.

Both experimental and non-experimental studies can account for attrition in the sample. For example, in RCTs the impact estimate for the offenders assigned to the COSA condition can be divided by the proportion of offenders who actually actively participated<sup>9</sup>. But few experimental or quasi-experimental studies can, without difficulty, deal with a

<sup>9</sup> Whether attrition from a Circle would be considered withdrawal from the program or a negative Circle outcome (i.e., failure), is another matter and requires clarity.

whole site withdrawing from an evaluation. Therefore, the financial and executive viability and security of the sites will be a critical factor in deciding whether they can be elected to participate in a multi-site evaluation.

### **Are there any benefits to using quasi-experimental methods over RCT?**

If a rigorous evaluation were to be carried out, experimental methods such as randomized controlled trials are not the only methodologies available. There may be a possibility that quasi-experimental designs could provide an alternative to RCTs. It would be argued that since it has been noted that, with some caveats, conducting an RCT on COSA is possible quasi-experimental methods would need to provide additional benefits to RCT and solve more of the methodological obstacles that COSA presents.

For example, propensity score matching would remove the issue of ethics, as Core Members would not be randomly assigned and therefore no Core Member would be assigned to a no-COSA condition. Propensity score matching, however, can only control for known and observable covariates that, similarly to any baseline RCT data, would all need to be sourced from the criminal justice agencies - the difficulties of which have already been discussed. Propensity score matching studies typically also require larger sample sizes than RCTs, and as it has been noted sample size is an issue for COSA programs. Similarly, regression discontinuity designs require a large sample size, with regression discontinuity requiring almost three times the sample size necessary for an RCT. Regression discontinuity designs also require a strict and simple criterion for inclusion/exclusion for the intervention being studied (something akin to the age 65 eligibility for Medicare, which

is simple and uniform). The selection criteria used by the COSA sites studied have not proved to be this straightforward or consistent.

### **Methodological conclusions**

It is concluded that there is no methodological or ethical reason why a randomized control trial of COSA provision in the U.S. could not be conducted. The obstacles to an RCT are all such that they can be addressed with a combination of realistic tightening of program implementation, rigorous experimental control, and an increase in real-world resources. There do not appear to be any major benefits to the use of non-experimental studies over a randomized control trial for the evaluation of COSA as those same methodological obstacles to conducting an RCT currently posed by COSA would also be detrimental to non-experimental studies. Therefore, it would seem illogical to not advocate for the most rigorous evaluative method.

## CONCLUSIONS

As is the case in any criminal justice program, the establishment and operation of COSA is not a simple task. COSA sites across the U.S. have been required to establish advisory boards, hire and train staff members, develop and implement policy and procedure, identify, initiate, and maintain key community relationships, identify and recruit volunteers, identify and select Core Members, forge healthy and successful Circles, and collect and report data on their progress and outcomes. This complex task is underway at all sites visited in this evaluability assessment, but not all sites are fully-implemented.

Firstly, it would be recommended that any activity related to evaluation of the COSA program begin by addressing the structural COSA issues outlined in this report. Consensus should be sought for the exact purpose of COSA and the criminal justice issues it is designed to address. If providing accountability is a key tenet, then methods for measuring it and its effects should be developed and included in any evaluation, rather than a myopic focus on recidivism. Differences in management structure should be accounted for and controlled. Also, appropriate and adequate controls for supervision type should be identified and included in any evaluation.

Secondly, improvements to implementation would need to be made at the sites, especially in terms of the following: (a) their relationships with the referring criminal justice agencies; (b) their procedures for Core Member selection; and (c) obtaining Core Member-related data, in terms of both Circle outcomes and baseline data from partners in the criminal justice system. At the present time, a separate highly detailed plan would need to be drawn up simply to establish who owns data and if and how it could be made

available. For COSA is to be successfully implemented, it is in the interests of both the sites and of the criminal justice agencies that data flow more easily from one to the other.

Thirdly, evaluators would need to be provided with sustainable sites. If selected, a multi-site RCT would be a multi-year project and in order to take part sites would need to be financially viable for the duration of the project. It is recommended that a sponsor of such an evaluation seek long-term value for money by providing up-front funding for participating sites, rather than have sites discontinue or run at limited capacity. In return for that financial and operational security, the sites would be required to improve their standards of operation where necessary. Sites would be required to provide documented operational policies and procedures and ensure that program integrity is maintained, with no 'innovation' in program processes (e.g., Core Member selection). In addition, sites would need to agree to a series of data management improvements. Given that COSA projects have been linked to cost savings of upwards of \$350,000 (Duwe, 2013), investment in the sites as part of a successful evaluation may represent excellent value for money. In fact, improved data management may be a by-product of up-front funding of participating sites. Funding agencies typically require frequent and detailed reporting of performance indicators by grantees placing an imperative on the grantee to be pro-active and improve data management.



## RECOMMENDATIONS

This evaluability assessment recommends one of the following three options for the evaluation of COSA:

### **1. Conduct an experimental evaluation of the Vermont COSA program alone**

The advantages of this option are: (1) program fidelity and data management at Vermont COSA are excellent; (2) preliminary data is available that could be used to perform a power analysis to estimate the number of cases and the duration required to detect differences; (3) there would be no cross-site differences in variables and program variables would be easier to control; (4) the overall cost of evaluation would be smaller than a multi-site evaluation; and (5) the evaluation could be carried out immediately.

The disadvantages are: (1) the lack of sample size and thus a difficulty in detecting small effects; and (2) that VT-COSA implements an institutional model and therefore (a) it may be difficult to isolate and differentiate the relative effects of COSA from the effect of 'supervision as usual' and (b) it may not be possible to generalize the results to grass-roots implementations.

### **2. Conduct an experimental evaluation that combines the Vermont COSA and COSA Fresno programs**

The advantages of this option are: (1) program fidelity and data management at both sites are acceptable; (2) there would be an increased sample size and thus it would make detecting smaller effects easier; (3) preliminary data is available that could be used to perform a power analysis to estimate the number of cases and the duration required to

detect differences; (4) it includes a mix of institutional and grass-roots models and (a) is therefore more generalizable and (b) allows for the possibility of cross-site comparisons; and (5) the evaluation could be carried out immediately.

The disadvantages are: (1) there would be cross-site issues, especially the mix of supervised (VT-COSA) and fully-completed (COSA Fresno) Core Members, and would introduce the need to match and control program variables; and (2) the overall cost would be higher because of (a) the extra resources needed to evaluate two sites rather than one, and (b) investment in the sites would be necessary, especially for COSA Fresno.

### **3. Allow the fledgling sites to develop and conduct a multi-site evaluation of COSA in the future.**

The advantages of this option are: (1) assuming sites develop effectively, then (a) there would be more sites with acceptable to excellent levels of fidelity, and (b) there may be less need to invest in the sites; (2) there would be an increased sample size and thus it would make detecting smaller effects easier; and (3) it includes a mix of institutional and grass-roots models and is therefore more generalizable.

The disadvantages are: (1) the evaluation could not be carried out immediately; (2) assuming sites do not develop effectively, then (a) there may be fewer sites with acceptable to excellent levels of fidelity and (b) there may be more need to invest in the sites; (3) another evaluability assessment may be necessary; (4) there would be cross-site issues and it would introduce the need to match and control program variables; and (5) the overall costs would be higher costs due to the greater number of sites being evaluated.

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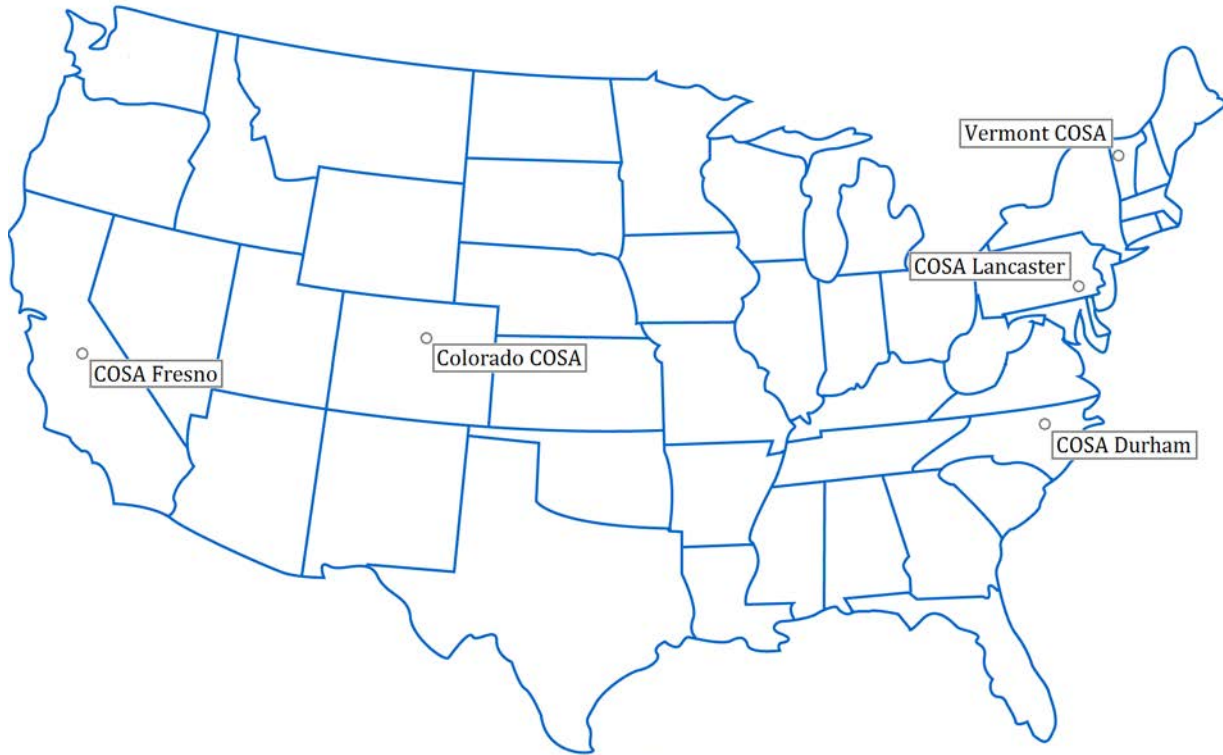
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## APPENDICES

**Appendix A:** A map of COSA site locations.



**Appendix B: COSA fidelity measurement checklist<sup>10</sup>.**

Item #	Sub	Fidelity	Element	Indicator	Fidelity score?	Fresno	VT	Lancaster	NC	CO
COSA 40	1	Management	Advisory	An advisory board/steering group was established	✓	✓	✓		✓	✓
COSA 40	2	Management	Advisory	The AB/SG has appropriate membership	✓	✓	✓		✓	✓
COSA 40	3	Management	Advisory	The AB/SG continues to provide support	✓	✓	✓			
COSA 01	1	Model	Establish model	Model developed	✓	✓	✓	✓	✓	✓
COSA 01	2	Model	Establish model	Model developed using appropriate research	✓	✓	✓	✓	✓	✓
COSA 01	3	Model	Establish model	All deviations from intended model have rationale	✓	✓	✓	✓	✓	✓
COSA 02	1	Model	Model documentation	Model is documented	✓		✓			✓
COSA 02	2	Model	Model documentation	Goals/aims/objectives documented	✓	✓	✓	✓	✓	✓

<sup>10</sup> In order to calculate the fidelity score accurately, only those items that contribute to the fidelity score are checked in this table. A lack of a check mark in the table below for those items that do not contribute to the fidelity score does not mean they were not present at the site

COSA 02	3	Model	Model documentation	Documentation is available to all/disseminated (e.g., packs)						
COSA 03	1	Model	Restorative justice	Restorative justice principles understood						
COSA 03	2	Model	Restorative justice	RJ principles are included in policy/practice	✓	✓	✓	✓	✓	✓
COSA 03	3	Model	Restorative justice	One or more staff/volunteers can advocate for the needs of survivors of sexual abuse						
COSA 04	1	Model	Goal achievement	All staff are aware of goals, objectives and standards	✓	✓	✓	✓	✓	✓
COSA 04	2	Model	Goal achievement	Goal attainment is measured	✓	✓	✓			
COSA 04	3	Model	Goal achievement	Achievement of COSA goals is possible						
COSA 05	1	Model	Circle processes	Policies/SOPs to outline 'normal' life-cycle of a Circle are documented	✓		✓			
COSA 05	2	Model	Circle processes	Ending a Circle is a consensus decision	✓	✓	✓	✓		
COSA 05	3	Model	Circle processes	Policies/SOPs documented to extend the life-cycle of a Circle	✓		✓			
COSA 05	4	Model	Circle processes	Debriefing session is triggered by CM reoffending	✓	✓	✓	✓		

COSA 06	1	Management	Establish leadership	A Program Director has been appointed	✓	✓	✓	✓	✓	
COSA 06	2	Management	Establish leadership	Leadership is established						
COSA 06	3	Management	Establish leadership	Leadership role is formally documented in position description	<input type="checkbox"/>					
COSA 07	1	Management	Management	Management chain documented	✓		✓		✓	✓
COSA 07	2	Management	Management	Management chain set out in job descriptions						
COSA 07	3	Management	Management	Members of staff are aware of management chain						
COSA 07	4	Management	Management	Communication exists between management levels	<input type="checkbox"/>					
COSA 07	5	Management	Management	Communication is reciprocal between management levels						
COSA 07	6	Management	Management	A clear line of management exists for volunteers to report concerns about CM	✓	✓	✓	✓	✓	✓
COSA 08	1	SOPs - Operations	Operating procedures	SOPs are formally documented	✓		✓			✓
COSA 08	2	SOPs - Operations	Operating procedures	SOPs are in effect	✓		✓			

COSA 09	1	SOPs - Operations	Legal restrictions	Legal restrictions/implications for SOs are known/understood	✓	✓	✓	✓	✓	✓
COSA 09	2	SOPs - Operations	Legal restrictions	Legal restrictions/implications for SOs are adhered to	✓	✓	✓	✓		
COSA 10	1	SOPs - Operations	Meeting practice	Circles meetings are organized by appropriate staff	✓	✓	✓	✓		
COSA 10	2	SOPs - Operations	Meeting practice	Frequency of Circle meetings are documented	✓	✓	✓	✓		
COSA 10	3	SOPs - Operations	Meeting practice	Data is collected on Circle meetings (e.g., problems, issues, attendees, etc)	✓	✓	✓	✓		
COSA 10	4	SOPs - Operations	Meeting practice	Policies/SOPs documented for instances where CM does not attend meetings	✓		✓			
COSA 10	5	SOPs - Operations	Meeting practice	Rationale for CM exclusion from meetings is documented	<input type="checkbox"/>					
COSA 11	1	SOPs - Operations	Meeting attendees	Policies/SOPs are documented for Circle meeting attendees	✓		✓			
COSA 11	2	SOPs - Operations	Meeting attendees	Attendees are appropriate						
COSA 11	3	SOPs - Operations	Meeting attendees	Policies/SOPs are in place for temporary attendees (e.g., clinical observers)	✓					
COSA 12	1	SOPs - Operations	Meeting frequency	Policies/SOPs documented for frequency of CM/volunteer contact	✓	✓	✓	✓		

COSA 12	2	SOPs - Operations	Meeting frequency	Frequency is linked to Circle goals/objectives						
COSA 12	3	SOPs - Operations	Meeting frequency	Policies/SOPs documented for nature of CM/volunteer contact	✓	✓	✓	✓		
COSA 13	1	SOPs - Operations	Contracts/covenants	Policies/SOPs documented for development of CM contracts	✓		✓			✓
COSA 13	2	SOPs - Operations	Contracts/covenants	CM contracts include aims/goals of Circle	✓	✓	✓	✓		
COSA 13	3	SOPs - Operations	Contracts/covenants	CM contracts are developed collaboratively by Circle	✓	✓	✓	✓		
COSA 13	4	SOPs - Operations	Contracts/covenants	CM contracts are formally documented and signed	✓	✓	✓	✓		
COSA 13	5	SOPs - Operations	Contracts/covenants	CM contracts are re-read periodically	✓	✓	✓	✓		
COSA 13	6	SOPs - Operations	Contracts/covenants	Progress on goals/objectives are measured for achievement	✓	✓	✓			
COSA 13	7	SOPs - Operations	Contracts/covenants	Contracts ensure CM confidentiality (but not secrecy)	✓	✓	✓	✓		
COSA 14	1	SOPs - Operations	CM behavior	CM contracts include rules/regulations for CM behavior	✓	✓	✓	✓		
COSA 14	2	SOPs - Operations	CM behavior	Appropriate/inappropriate behaviors are documented	✓	✓	✓	✓		

COSA 14	3	SOPs - Operations	CM behavior	"Risky" behavior is defined						
COSA 14	4	SOPs - Operations	CM behavior	Circle rules/regulations are linked to aims/objectives	✓	✓	✓	✓		
COSA 14	5	SOPs - Operations	CM behavior	Policies/SOPs documented for the possibility of CM reoffending	✓		✓			
COSA 14	6	SOPs - Operations	CM behavior	Debriefing session is triggered by CM reoffending	<input type="checkbox"/>					
COSA 15	1	SOPs - Capacity	Waiting lists	Waiting lists for CMs are maintained	✓		<input type="checkbox"/>			
COSA 15	2	SOPs - Capacity	Waiting lists	Waiting lists for volunteers are maintained	✓					
COSA 16	1	SOPs - Capacity	Deficit/surplus	Circle deficit/surplus is known and recorded	✓	✓	✓			
COSA 16	2	SOPs - Capacity	Deficit/surplus	Deficit/surplus affects referral policy						
COSA 17	1	SOPs - Capacity	Capacity	The number of Circles that could be facilitated is known/calculated	✓	✓	✓	✓		
COSA 17	2	SOPs - Capacity	Capacity	This number guides recruitment policy						
COSA 18	1	SOPs - Outcomes	Circle data	Records are maintained for previous Circles (outcome, CMs, volunteers, social issues, behaviors)	✓		✓			



COSA 18	2	SOPs - Outcomes	Circle data	Records are collected for current Circles	✓	✓	✓	✓		
COSA 18	3	SOPs - Outcomes	Circle data	Planned Circles are documented	✓	✓	✓	✓		
COSA 19	1	SOPs - Outcomes	Outcomes	Policies/SOPs documented for anticipated Circle outcomes	✓		✓			
COSA 19	2	SOPs - Outcomes	Outcomes	Range of potential outcomes are defined	✓		✓			
COSA 19	3	SOPs - Outcomes	Outcomes	Language is defined (e.g., recidivism)	✓					
COSA 19	4	SOPs - Outcomes	Outcomes	Positive and negative outcomes are defined						
COSA 19	5	SOPs - Outcomes	Outcomes	Outcomes are known by CMs and volunteers						
COSA 19	6	SOPs - Outcomes	Outcomes	Outcomes are shared with CJAs where appropriate	✓		✓			
COSA 20	1	Resources	Resource distribution	Resource use is documented	✓					
COSA 20	2	Resources	Resource distribution	Resources are costed	✓					
COSA 21	1	Staff	Dedicated staff	Staff funded specifically for COSA	✓	✓	✓	✓	✓	✓

COSA 21	2	Staff	Dedicated staff	Staff assigned specifically to COSA						
COSA 21	3	Staff	Dedicated staff	Staff are able to prioritize COSA and meet roles in time provided						
COSA 21	4	Staff	Dedicated staff	A Circle Coordinator has been appointed	✓	✓			✓	
COSA 22	1	Staff	Staff hours	Staff hours are calculated and documented	✓		✓			
COSA 22	2	Staff	Staff hours	Volunteer hours are calculated and documented	✓		✓			
COSA 23	1	Staff	Staff training	Staff receive formal training on COSA aims/goals	✓	✓	✓	✓	✓	✓
COSA 23	2	Staff	Staff training	Training policies/SOPs are in place and available	<input type="checkbox"/>					
COSA 41	1	Staff	Media	Policies/SOPs documented for engagement with the media	<input type="checkbox"/>					
COSA 41	2	Staff	Media	A staff spokesperson for COSA has been selected						
COSA 24	1	Staff	Staff experience	Staff are knowledgeable about RJ	✓	✓	✓	✓	✓	✓
COSA 24	2	Staff	Staff experience	Staff are knowledgeable about COSA	✓	✓	✓	✓	✓	✓

COSA 24	3	Staff	Staff experience	Staff have sufficient CJ experience	✓	✓	✓	✓	✓	✓
COSA 24	4	Staff	Staff experience	Staff experience relates to their role	✓	✓	✓	✓	✓	✓
COSA 25	1	CM	CM selection	Criteria is documented for CM selection	✓		✓		✓	✓
COSA 25	2	CM	CM selection	Criteria is linked to COSA goals						
COSA 25	3	CM	CM selection	Criteria is fully adhered to	✓		✓			
COSA 26	1	CM	CM referrals	CM referrals are taken	✓	✓	✓	✓		
COSA 26	2	CM	CM referrals	CM referrals are taken from appropriate CJA source	✓	✓	✓	✓		
COSA 26	3	CM	CM referrals	CM referrals are taken from a known contact						
COSA 26	4	CM	CM referrals	Policies/SOPs documented for CM referrals	✓		✓			
COSA 26	5	CM	CM referrals	CM referrals are documented	✓	✓	✓	✓		
COSA 26	6	CM	CM referrals	CM referrals are solicited	<input type="checkbox"/>					

COSA 26	7	CM	CM referrals	Intake interviews are conducted pre-release	✓	✓	✓	✓		
COSA 26	8	CM	CM referrals	A final file review is conducted before CM is accepted	✓	✓	✓	✓		
COSA 39	1	CM	MH referrals	Referrals are taken from Mental Health institutions	<input type="checkbox"/>					
COSA 39	2	CM	MH referrals	Policies and procedures documented for referrals from Mental Health institutions	<input type="checkbox"/>					
COSA 39	3	CM	MH referrals	Policies and procedures exist for the support of MH-referred CMs	<input type="checkbox"/>					
COSA 27	1	CM	Assessment tools	CM risk assessments (prior or implemented) are used in CM selection	✓					
COSA 27	2	CM	Assessment tools	Risk assessment tools used are evidence-based	✓					
COSA 27	3	CM	Assessment tools	Risk is matched to referrals						
COSA 27	4	CM	Assessment tools	CM needs assessments (prior or implemented) are used in CM selection	✓	✓	✓	✓		
COSA 28	1	CM	Final selection	Final selection is carried out by senior management	✓	✓	✓	✓		
COSA 29	1	CM	Previous intervention	Previous CM records are sought (i.e., assessment, intervention, convictions, discipline, family/relationships)	✓	✓	✓	✓		

COSA 29	2	CM	Previous intervention	Previous CM records are recorded	✓		✓			
COSA 29	3	CM	Previous intervention	Previous CM records affect circle processes (e.g., volunteers aware)						
COSA 30	1	Volunteers	Volunteer recruitment	Policies/SOPs documented for volunteer recruitment	✓		✓			✓
COSA 30	2	Volunteers	Volunteer recruitment	Recruitment carried out by appropriate staff						
COSA 30	3	Volunteers	Volunteer recruitment	Criteria for recruitment are documented	✓		✓			✓
COSA 30	4	Volunteers	Volunteer recruitment	Criteria are adhered to	✓		✓			
COSA 30	5	Volunteers	Volunteer recruitment	Volunteers are recruited from within a suitable distance from the CM	✓	✓	✓	✓		
COSA 31	1	Volunteers	Volunteer checks	Volunteer criminal record checks are used in all cases	✓		✓	✓		
COSA 31	2	Volunteers	Volunteer checks	Volunteer references are checked	✓		✓			
COSA 31	3	Volunteers	Volunteer checks	Volunteer checks are appropriate						
COSA 32	1	Volunteers	Volunteer interviews	Volunteer checks include interviews	✓	✓	✓	✓		

COSA 33	1	Volunteers	Volunteer training	Training is provided to all volunteers	✓	✓	✓	✓		
COSA 33	2	Volunteers	Volunteer training	Training is manualized/standardized	✓		✓			<input type="checkbox"/>
COSA 33	3	Volunteers	Volunteer training	Training is comprehensive/appropriate	✓	✓	✓	✓		
COSA 33	4	Volunteers	Volunteer training	Specific tasks are given to volunteers						
COSA 33	5	Volunteers	Volunteer training	Training includes elements specific to crisis management	<input type="checkbox"/>					
COSA 33	6	Volunteers	Volunteer training	Training focuses on empowerment not dependency						
COSA 34	1	Volunteers	Volunteer retention	Policies/SOPs to promote retention documented	✓					
COSA 34	2	Volunteers	Volunteer retention	Annual evaluations are arranged	✓	✓	✓	✓		
COSA 34	3	Volunteers	Volunteer retention	Annual regional meetings/events are held	<input type="checkbox"/>					
COSA 35	1	Volunteers	Volunteer withdrawal	Policies/SOPs documented for volunteer withdrawal (during Circle)	✓					
COSA 35	2	Volunteers	Volunteer withdrawal	Policies/SOPs documented for volunteer replacement (during Circle)	✓					

COSA 35	3	Volunteers	Volunteer withdrawal	Replacement considers Circle goals/aims						
COSA 35	4	Volunteers	Volunteer withdrawal	Policies/SOPs documented to deal with inappropriate volunteer behavior	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>		
COSA 36	1	Volunteers	Volunteer safety	The potential dangers to volunteers is understood by management	✓	✓	✓	✓	✓	✓
COSA 36	2	Volunteers	Volunteer safety	The potential dangers to volunteers is understood by volunteers	✓	✓	✓	✓		
COSA 36	3	Volunteers	Volunteer safety	Policies/SOPs are documented to ensure the safety of volunteers	✓					
COSA 36	4	Volunteers	Volunteer safety	Policies/SOPs are documented to ensure volunteers are encouraged to support each other	✓					
COSA 37	1	External links	External links	Relationships exist with other CJAs	✓	✓	✓	✓	✓	✓
COSA 37	2	External links	External links	Roles and responsibilities are documented	✓	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	✓
COSA 37	3	External links	External links	CJAs have single POC for COSA						
COSA 37	4	External links	External links	Relationships exist with other community groups	✓	✓	✓	✓	✓	✓
COSA 38	1	External links	CJA requirements	CJAs are aware of Circle goals/objectives						

COSA 38	2	External links	CJA requirements	CJAs are provided with outcome data	✓		✓				
COSA 38	3	External links	CJA requirements	CJAs understand definitions							
					<b>100</b>	<b>58</b>	<b>86</b>	<b>52</b>	<b>24</b>	<b>27</b>	



**Appendix C: Data items measured for availability**

Item #	Item description
1	CM identification
2	CM demographics
3	Date of most recent admission to custody
4	Date of most recent discharge to custody
5	Date Circle opened
6	Date circle closed (or due to close)
7	Number of volunteers per Circle
8	Volunteer demographics
9	Levels of service provided to CM
10	Circle cost data
11	Circle outcome
12	Circle outcome - reason for failure
13	Types of prior CM treatment
14	Dosage of prior CM treatment
15	CM risk assessment score
16	CM assessment history
17	CM substance misuse (pre/post)
18	CM employment status (pre/post)
19	CM housing status (pre/post)
20	CM mental health status (pre/post)
21	CM criminal history (pre/post)
22	CM recidivism data
23	Waiting list data



Mayor Greg Wheeler

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March 22, 2019

County Commissioner's Office  
Kitsap County  
614 Division St MS-4  
Port Orchard WA 98366

RE: Interim Zoning for Secure Facility Group Homes

Chair Wolfe:

The County's interim zoning for Secure Facility Group Homes affects established residential neighborhoods. The City formally requests that the County repeal the interim regulations and pass a moratorium to prevent the establishment of these facilities until regulations can be written. We believe that this approach is both necessary and prudent to ensure that a thoughtful approach can be taken to write the regulations that incorporate protections for established neighborhoods.

Jurisdictions have a duty to pass ordinances that protect the public's health, safety, and welfare, and unfortunately the County's interim regulations do not contain sufficient protections for our neighborhoods. The County has chosen to adopt a very broad approach by choosing to allow Secure Facility Group Homes in each of its largest commercial districts (Commercial, Regional Center, Industrial, Business Park, and Business Center zones) and this has detrimental effects to established residential areas in Bremerton. Many of the City's urban growth areas contain land that is zoned "commercial" and "industrial," however many of these areas are in fact residential neighborhoods with commercial zoning. Due to this, it is not appropriate for these areas to be targeted for Secure Facility Group residences. It appears that this will greatly impact Bremerton in a higher proportion than any other community in Kitsap.

The County has not sufficiently demonstrated that they have considered the kind of impacts that a group residence of this type will have on our neighborhoods. The County has also failed to demonstrate conformance with the Kitsap Countywide Planning Policies (CPPs), specifically the Vision statement, which reads in part: "seeks to maintain and enhance the quality of life that makes our County a special place to live and work...." The current proposal affects the quality life of many of our citizens. The CPPs also call for the County to coordinate with cities and local communities to address future land uses, and there has been insufficient coordination on this very important issue, and an additional reason why a moratorium is the correct answer to the current problem.

During the moratorium period the City requests that the County work with jurisdictions and the community to craft regulations that ensure neighborhood compatibility, and we look forward to collaborating with you to ensure that the right regulations are put in place for our community.

Sincerely,

Mayor Greg Wheeler

cc: Bremerton City Council  
Roger Lubovich, City Attorney  
Andrea Spencer, Community Development Director

My name is Becky Hoyt. I am the legal liaison for Washington State for Public Safety. I would like to commend Kitsap County for enacting the Interim Zoning Ordinance for Group Residential Facilities Secured High Risk. This ordinance is reactionary to less restrictive placements for sexually violent predators being contracted to for-profit companies. When the home for sexually violent predators was established in our County, it was done so without community notification and without local government participation. By enacting this ordinance, you have created a way for local government to have a voice. With that said, I have read the letter from Mayor Wheeler regarding his concerns about the zoning locations within Bremerton neighborhoods. Mayor Wheeler and his constituents have valid concerns. I support those concerns. As a mother of young children living close to four sexually violent predators - I can whole heartedly say that I do not want any families to endure this nightmare.

WSPS has requested local city officials to create ordinances to prohibit group residential facilities for sexually violent predators within their city limits. Let me reiterate that this happened in Kitsap County with no notification to the County's planning department. How would any of the cities or the county know if a house was being used as a group facility for SVPs if not required by ordinance to have notice. Obviously, it was done before – what is preventing it from happening again? WSPS is in support of any ordinance that prohibits SVP group homes from being located in or near residential neighborhoods and provides for local government participation and public notification when siting the facility.

Let's be clear this is a statewide issue. The following pertains to sexually violent predators from Kitsap County:

1. Thomas Paul Williams moved for a release to Eagle's Nest Housing 17421 State Route 530 NE Arlington, WA 98223. His 2/26/19 trial date was stricken; it is unknown if he has rescinded his motion for release or if the parties have reached an agreement. There are two other men released from the Secure Commitment Center living at this residence.
2. Jack Leck II, is on a less restrictive alternative placement at the Pacific Village Apartments, 13504 Tukwila International Blvd, Tukwila WA 98168.
3. Michael Cole is moving for a less restrictive alternative. His proposed residence is located at 4381 State Highway 3 West, Bremerton WA. His LRA trial is set for May 7, 2019.
4. Morgan Heath filed a Motion for Summary Judgment and Unconditional Release on 3/1/2019. The outcome of this motion is currently unknown.
5. Terrill Morris was released to a private residence located at 716 S 17<sup>th</sup> Street, Unit 2, Tacoma Washington on 6/24/17. Less than 3 months later images of minor children were found in his possession. During his release he had multiple violations; including unauthorized contact with minor children. Yet his release was not revoked until 12/28/18.
6. William Deaville & Elmer Todd Gillis currently reside at 17373 Viking Way NW, Poulsbo WA. They reside there with two more SVPs released from the SCC.

We urge all of our local elected officials to work together to find the best solution for Kitsap County families.

My name is Tricia Benson, and I work with Washington State for Public Safety to remove sexually violent predators from residential neighborhoods. I would like to thank our Commissioners for adopting the Interim Zoning Ordinance for Group Residential Facilities Secured High Risk.

In Washington State, prior to a level III sex offender's release from prison, they must undergo an evaluation to determine if they should be recommended for civil commitment to the Special Commitment Center (SCC) on McNeil Island. The criteria used to make this determination includes: someone who has been convicted or charged with a sexually violent crime, and someone who has a mental abnormality or personality disorder which makes the person more likely to engage in predatory acts of sexual violence if not confined in a secure facility. In 1990 Washington State was the first in the country to create a civil commitment law for sexually violent predators. Currently, twenty states and the federal government have laws allowing for the civil commitment of svps. In 2018, there were 307 svps in the various stages of civil commitment in our state.

There have been a number of court cases challenging the constitutionality of the civil commitment of an SVP, including three United States Supreme Court cases. While the laws have been upheld, a 1994 ruling asserted that SVPs cannot be held indefinitely, and they must be provided with "constitutionally adequate mental health treatment." Thus began the evolution of the SCC, from essentially a jail, that held SVPs indefinitely, to offering a phase based treatment program consisting of six institutional phases, and a seventh, aftercare upon release. The SVPs remain totally confined at the SCC, but it is not a jail, it is a treatment center.

In subsequent years, court hearings were held, and on many occasions the SCC was found to have made inadequate progress in the treatment program offered. The SCC responded to the court by instituting the conditional release of SVPs to a lesser restrictive alternative (LRA) upon reaching phase 5 of their treatment program. The purpose of the LRA is to give the SVP an opportunity to demonstrate their reduced risk to the community.

LRAs have allowed the steady release of sexually violent predators into our communities without any warning or any requirements of notification, other than the sex offender registry. State laws ruling LRAs are few and far between, and wholly inadequate in providing community protections, leaving most conditional protections at the discretion of the judge ordering release to a lesser restrictive alternative. The proposed LRA for an SVP to Bremerton has zero requirements for a chaperone while on community outings. Our State has a more secure option, with numerous laws and requirements to be met for the safety of our communities, a Secure Community Transition Facility (SCTF). Sexually Violent Predators should be housed in State-run, secure facilities for the safety of all.

My name is BJ Benson, and I am working with Washington State for Public Safety, for the removal of sexually violent predators from residential neighborhoods. I want to acknowledge the work our Commissioners have done in creating an Interim Zoning Ordinance to prevent the further release of SVPs into our neighborhoods.

Currently, our State laws allow the placement of SVPs in a lesser restrictive alternative (LRA) with very few limitations. Proximity to schools, churches, parks and bus stops are a few of the considerations when siting the location for an LRA. Unfortunately, there are zero requirements for any notice to the public during the siting process, let alone to city or county governments. There are also zero requirements for notice to local governments when an SVP actually moves into the residence, other than the sex offender registration with the sheriff's office.

Our laws do not prohibit the release of an SVP to a private residence, this is unacceptable. Currently there are approximately 67 SVPs on conditional release in LRAs across our State, and the number continues to grow exponentially. Our laws also fail to prohibit the release of SVPs into adult family homes. This is deplorable. A recent Kitsap Sun article referencing the appeal of the County zoning violation for the Viking Way house attempts to expound the idea that the sexually violent predators have developmental disabilities and as such have been placed in a group home. I am appalled by this notion, the sexually violent predators are civilly committed and conditionally released to an LRA as a continuation of their treatment program for being sexually violent predators and are supervised and monitored by the Department of Corrections. As with any SVPs, additional services are provided as necessary to accommodate special needs, but these are secondary services. Contrary to information provided at the Town Hall meeting in Bremerton by Representative Sherry Appleton and by documents filed by James Carmody state laws indicate that individuals remain classified as sexually violent predators while on conditional release to LRAs.

Our Commissioners have taken the only action allowable under State law, in creating zoning ordinances. Our Cities and Counties are expressly prohibited from creating any, and I quote from the RCWs, "rules, regulations, codes, statutes, or ordinances" "In establishing residence restrictions for sex offenders." This is shocking and offensive to the safety of law-abiding citizens across our State.

DSHS has publicly stated, they are actively seeking locations in Kitsap County for placement of sexually violent predators on conditional release to an LRA. This is a state-wide issue directly affecting our entire county.

Why is our State creating a practice of housing our most dangerous among our most vulnerable? We ask that our Commissioners and City Leaders call our State lawmakers to action, to stop the conditional release of sexually violent predators into private residences and adult group homes across the state.

## Dan Mar 25th Notes

Dan Defenbaugh, member of the Washington State for Public Safety Research Team.

From the Interim Ordinance - quote:

“WHEREAS Washington State does not regulate the location or land use and **life safety impacts** of community based LRAs” **end quote.**, Emergency Ordinance Adopting Interim Regulations for Group Residential Facilities - Secured High Risk, page 1 [emphasis added]

Thank you for recognizing that the state is not doing a good job of protecting us when siting Civilly Committed Level III Sexually Violent Predators (SVP)s in our community.

I want to say thank you to the commissioners and their staff for producing this interim ordinance that will prevent transitioning SVPs from the Secure Commitment Center (SCC) at McNeil Island to Less Restrictive Alternative (LRA) housing in residential communities in Kitsap County. I also want to state that there is more work to be done at the county and state levels to ensure public safety in our community.

The SVPs housed at 17373 Viking Way NW, known by the Department of Social and Health Services (DSHS) and the Department of Corrections (DOC) as Poulsbo House, do not have access to cell phones, internet, or computers; their TV is limited to local stations and is password protected. Their video games have been previewed for sexual content and violence toward children. They wear GPS monitoring equipment at all times, have alarms on their bedroom door as well as alarms plus video security monitoring throughout the building they reside in. They have round the clock staff monitoring them, including staff present when they may be outside the residence in the yard. As part of their court approved treatment plan the SVPs must submit to regular polygraphs as well as Penile Plethysmograph Assessment. To me all of these conditions show me that DSHS, DOC, and the Superior Court do not trust these individuals to behave appropriately without direct supervision when they are **away** from members of the community.

These SVPs are required to have chaperones for all of their outings to numerous businesses and hiking trails throughout the county. These chaperones have no physical restraint training to prevent inappropriate sexual behavior. I do not want the sight of one of my pre-school granddaughters to set off a sexual trigger in one of these SVPs that may cause them to revert to their old sexually deviant predatory behavior. I can not feel confident that **life safety impacts** are being met when the chaperones do not have the training to prevent predatory sexual behavior when these SVPs are on outings.

**Why should I be worried?** The DSHS Report to the Legislature, titled 'Violation, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement' dated 4-10-17 states: **“From November 2015 to October 2016 five residents were returned to the SCC due to violations of their court order which were considered to be serious violations.”** I believe DSHS currently has approximately 30 SVPs in SCTFs in King and Pierce counties, and another 30 in community LRAs throughout the state. Therefore, almost 10% of SVPs are being returned to the SCC annually for serious violations of their court orders.

SVPs should be housed in a secure state-run facility not located in residential neighborhoods. This interim ordinance is a good first step but there is more that needs to be done to ensure our community's safety.

March 6, 2019

Dear Commissioners,

My name is Sharon Gakin. I have personal experience with a Level I sex offender, my husband. Those 5 ½ years have made me very interested in the housing dilemma in our local news.

Placing Level III sex offenders in a residential area is a bad idea for several reasons:

From the offenders' perspectives:

1. It places the offenders in a place of potential temptation, an already huge burden of stress.
2. It places them where they are constantly watched, hated, suspected and feared--rightfully or not. This creates an abnormal atmosphere as abnormal as the prison they left.
3. They are prime suspects if anything happens, thus keeping them fearfully on edge with everything they do and everywhere they go. I have lived with my husband's fear of this happening anytime I was not with him to vouch for his whereabouts and actions.
4. It reinforces their self-image as dangerous predators, beyond change or rehabilitation. This hopelessness leaves them with nothing to lose which can lead to re-offending.

From the communities' perspective:

1. It puts children at risk, and robs them of the innocence of childhood and the freedom to cross the street or ride a bike or do anything natural to healthy childhood.
2. It puts great strain on parents to always be watching, EXPECTING something bad. No one should be expected to tolerate this intrusion once they've settled into a neighborhood they thought was safe and peaceful.
3. Property values will drop and make selling one's house difficult. If someone set up a kennel for pit bulls, that by law must be restrained, the outcry of fear would be loud. Unfortunately, Level III sex offenders are perceived as the pit bulls of society and they are being placed in a neighborhood unrestrained. This kind of insanity sets the stage for over-reactions, accidents, misunderstandings, and accusations.

Whatever criteria you use when making your decision will not stop in Pousbo. They will most certainly be adopted by other communities facing offender placement. It will have far reaching impact on future communities.

Sincerely,

Sharon Gakin



To: Commissioners Gelder, Wolfe, and Garrido

From: Dora "Cris" Shardelman

17198 Viking Way NW, Poulsbo, 98370

Thank you for this opportunity to address the zoning ordinance that I support. You, and other elected officials were left in the dark as much as the neighbors were.

These residents are identified as Violent- level 3 sex offenders because they have a mental abnormality, or personality disorder that makes them more likely than not to reoffend unless living restricted. Those descriptors mean they obtain their gratification through force or violence. The business' attorney is wrong about the abnormality being considered being for intellectually challenged. Testing arousal methods to determine the offender's behavioral change is proof.

None of the few notices that neighbors received were mailed until after the first Violent Offender was residing in the privately owned for profit group home, even then it was not identified as a group home. A review of the neighborhood was made by an unidentified person(s), given to an unidentified judge, who then allowed the placement of the group home. The review determined, without neighborhood input, what concerns they are allowed to have. All identified public places like schools and bus stops, churches, etc., but not neighbor safety nor devaluation of properties. Then that distance was somehow changed from 1 mile to ½ mile, by whom?

Each notice stated, "The Kitsap Sheriff's Office has no legal authority to direct where a sex offender may or may not live. Unless the court ordered restrictions exist, this offender is constitutionally free to live wherever he chooses. Was the above not a judge's decision?

The notices said the residents would have "chaperones", which we learned were to be unarmed. I first was told it would be one chaperone for each Offender. However, when there were already 4 in one house, with 2 more to come, Detective Adams stated it would have a minimum of 2 chaperones. However, each notice informed neighbors the Sheriff's office could train us to be block watches, and give individual safety information. When asked how we would know if a Predator escaped, Detective Adams said he didn't know, but probably by seeing people with dogs in the neighborhood.

3/24/2019

To the County Commissioners

I wish to present my statement of concerns about the States imposition of halfway houses for the Level III Violent Sexual criminally insane.

I feel it is the duty of the Commissioners to send the State Legislators a strong message that what they propose is not in the best interests of the people of Kitsap County or the entire State of Washington. The following questions I would like to have answered in writing and all entered into the record.

What is the name of the Organization that the State has authorized to house these violent criminals?

Does the State and the County have records of all the expenses this company charges for their service?

Who bears responsibility for a lack of controlling these wards of the State if they should reoffend?

Why is it that the State cannot house these individuals in a highly controlled Sanatorium?

Why are these halfway houses placed where they are?

Why is there never one of these houses placed next to a legislators' home or a County Commissioners Home?

Is the State ready to pay the neighboring property owners for the difference in value because of the depressed values of their homes once a halfway house is put in a neighborhood?

Respectfully submitted,

Mary Lou Long

County resident

How is it possible to release into the general population a criminally dis-functional minded person convicted of level III sexual crimes?

It would appear to a reasonable person that this is simply wrong.

I have to ask, Is the judicial system sentencing these people correctly?

If these sexual deviants are still considered dangerous to be out in the public why are judges not sentencing these level III Sex Offenders to life in institutions for the criminally insane?

The State has considered them to be high-risk reoffenders once released from jail and has categorized them as wards of the State. This means they will need, lifetime caretakers as well as psychological testing regularly and evaluations for the rest of their lives.

Our laws for sentencing need to be changes.

Judges need to be required to put these offenders away for life.

We need to reorient their care to a mental institution.

We had better build or refit existing buildings in more remote areas.

To place these recidivists in neighborhoods is not only fool hardy but plan dumb.

What does this do to property values around these halfway houses?

My guess is that it would make them less attractive and cause them to lose value.

Is the state ready to pay the neighboring property owners for the loses in value?

Is the State ready to pay for the lawsuits that might occur if a sex offender while under their care and control by the State injures and violates another child or woman?

Close down this halfway house and revisit the bases for doing this project. Send a strong message to our State Officials that This is not in any way satisfactory.

If we can save the life-long trauma of one child from the perverted and demented actions of these insane men then I say change the sentencing laws and build a sanitorium to control these violent sex offenders. And if this is not appealing to our legislators, let them put the halfway houses next door to their homes. And if they say it is too costly to build a Sanatorium for these men then I suggest the death penalty to cut costs.

I want to know just how much the State is proposing to spend on these halfway houses? What is the per person cost to the State? How many of these level III violent sex offenders are there across the State?

Why is the State allowing a for-profit company to house these people? Are they the responsible party if one of their charges escapes and violates a child? Who bears responsibility? I would think it ultimately is the State's fault for establishing such a weak and flawed way of caring for their charges.

**From:** [Greg Wheeler](#)  
**To:** [Robert Gelder](#); [Charlotte Garrido](#); [Edward E. Wolfe](#)  
**Cc:** [Dana Daniels](#); [Liz Williams](#); [City Council](#); [Roger Lubovich](#); [Andrea Spencer](#)  
**Subject:** Public Comments on Group Residential Facilities – Secured High Risk (GRF-SHR)  
**Date:** Tuesday, March 26, 2019 5:01:11 PM  
**Attachments:** [Perry Final.pdf](#)  
[Werner Final.pdf](#)  
[Navy Yard City Final.pdf](#)  
[Wheaton Final.pdf](#)

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Commissioners:

The City formally requests you revise the regulations for Group Residential Facilities – Secured High Risk (GRF-SHR), which allows housing for violent sexual offenders, so they are not located in the middle of neighborhoods in Bremerton.

The City is concerned that the County has not considered the impacts your zoning regulations will have on established neighborhoods. For your review and consideration, the City has prepared maps that show where these group facilities can locate near our community. The attached maps show areas around Pendergast Park, Mountain View Middle School, West Hills STEM Academy, and Central Kitsap.

Here's your guide to reading the maps:

**Blue cross-hatch:** Areas around Bremerton that Kitsap County has designated for the group homes. You should note an important point about the areas zoned by the County as “Commercial” or “Industrial:” ***These designations are applied in many areas where we have established neighborhoods.*** The County’s zoning is “aspirational” for the future and not reflective of the use that is on the ground today, which in many cases is where our citizens call home.

**Pink colored areas:** The areas that are shaded pink indicate all the residential uses within both the areas designated as commercial or industrial and sites within ¼ mile of these areas. We believe that it is important to show the neighborhood context in which these designated areas are located.

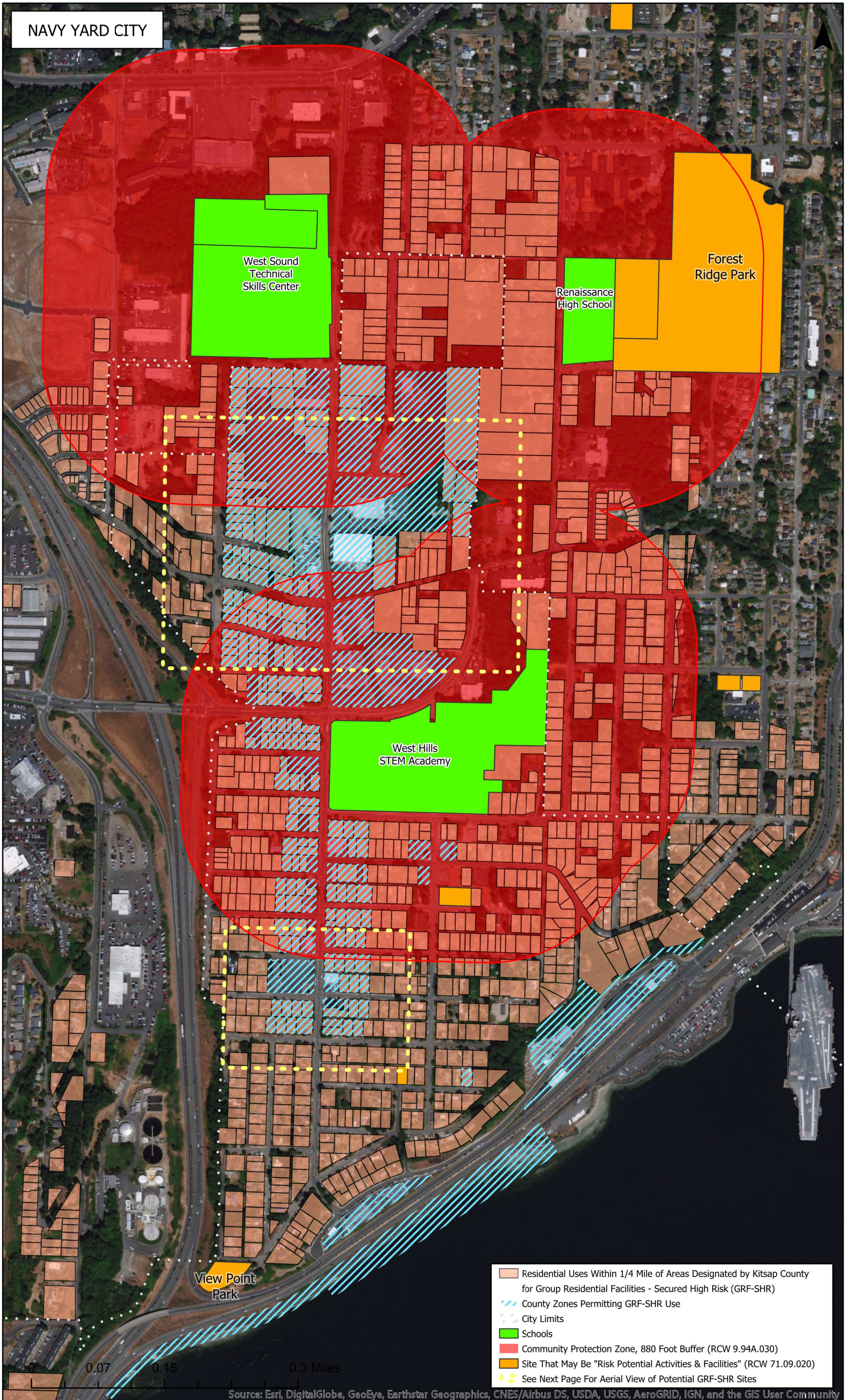
**Green colored area with red line:** Schools are shown in green and the required 880-foot red buffer line where the group home cannot locate pursuant to State Law. If a site is inside the buffer distance from a school, then a group home would not be permitted.

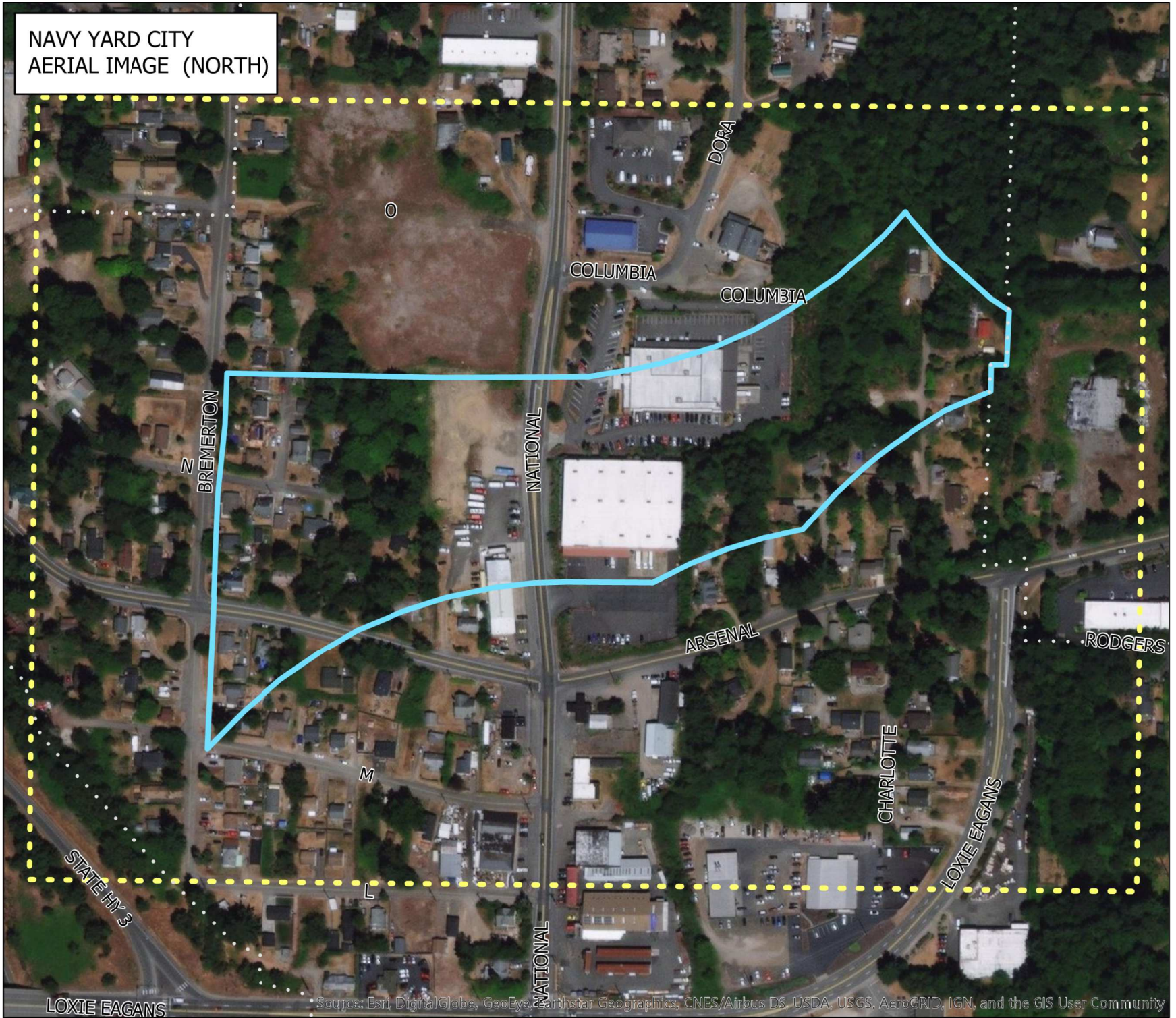
**Orange colored area:** The maps also indicate in orange any potential sites that could be classified as a “risk potential activity and facility” as the County’s interim regulations also seek to locate the group homes not near parks, churches and daycares (which are “risk potential” facilities). It should be noted that the regulations lack any specificity about how far away the group homes must be set back from these uses beyond adjacency, across the street from, or not within line of sight.

Once you review the maps, you will see that you have proposed these group homes in the middle of our established neighborhoods. Continuing with the interim zoning regulations for Group Residential Facilities – Secured High Risk is not the right decision for our community. Please revise these regulations and protect our neighborhood.

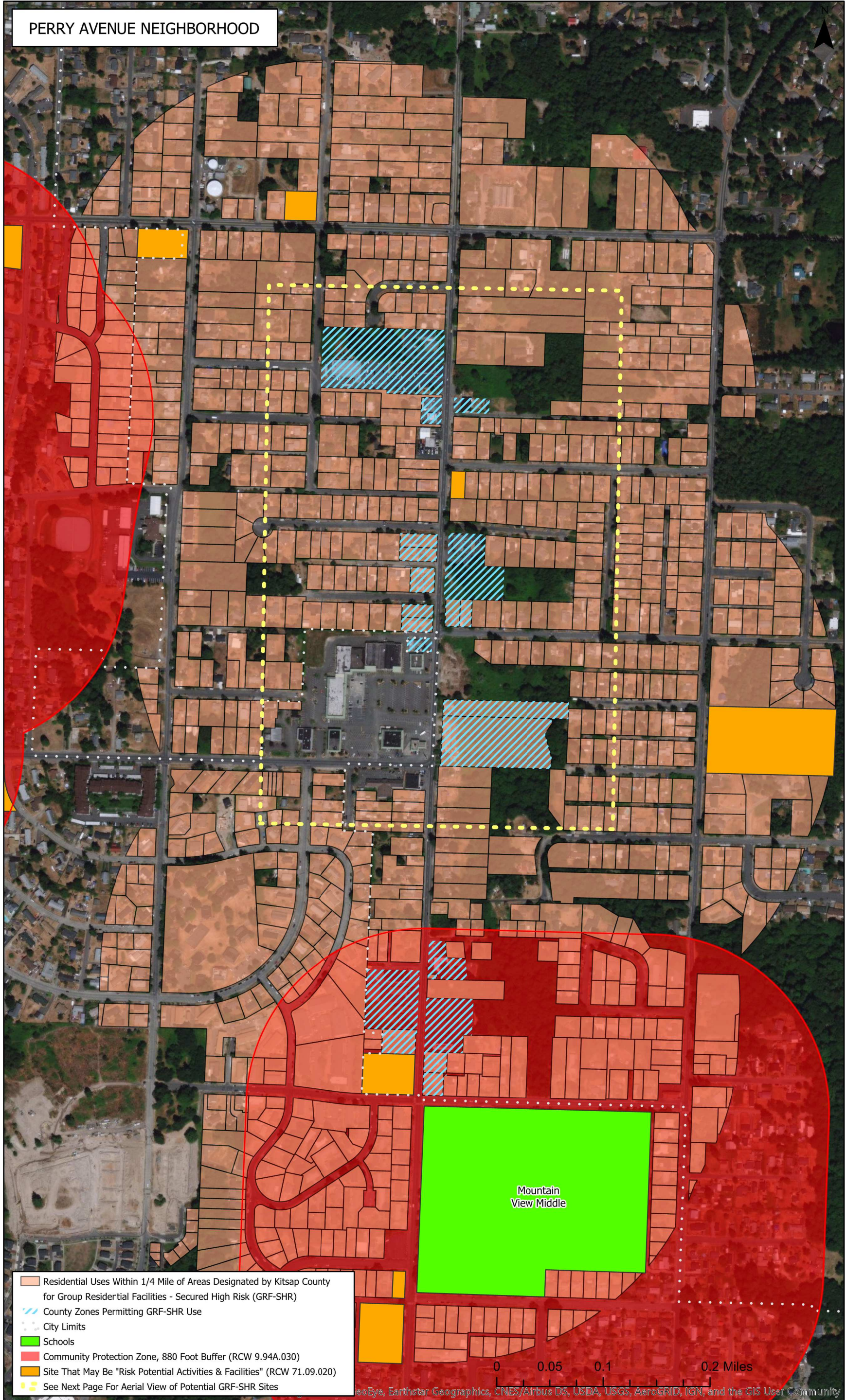
Your code does not ensure compatibility and therefore families in our community will be negatively impacted by your decision.

Greg Wheeler  
Mayor

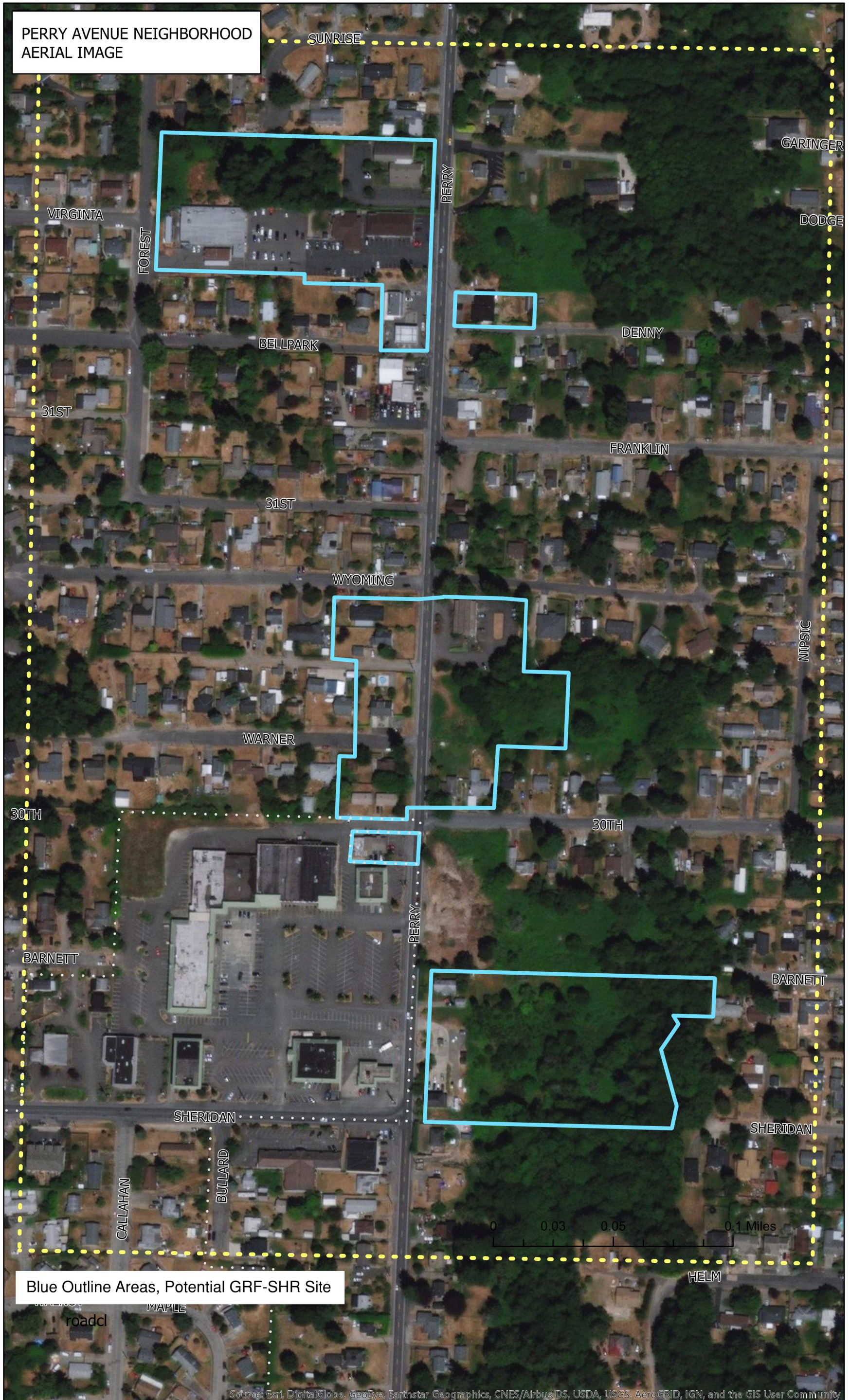


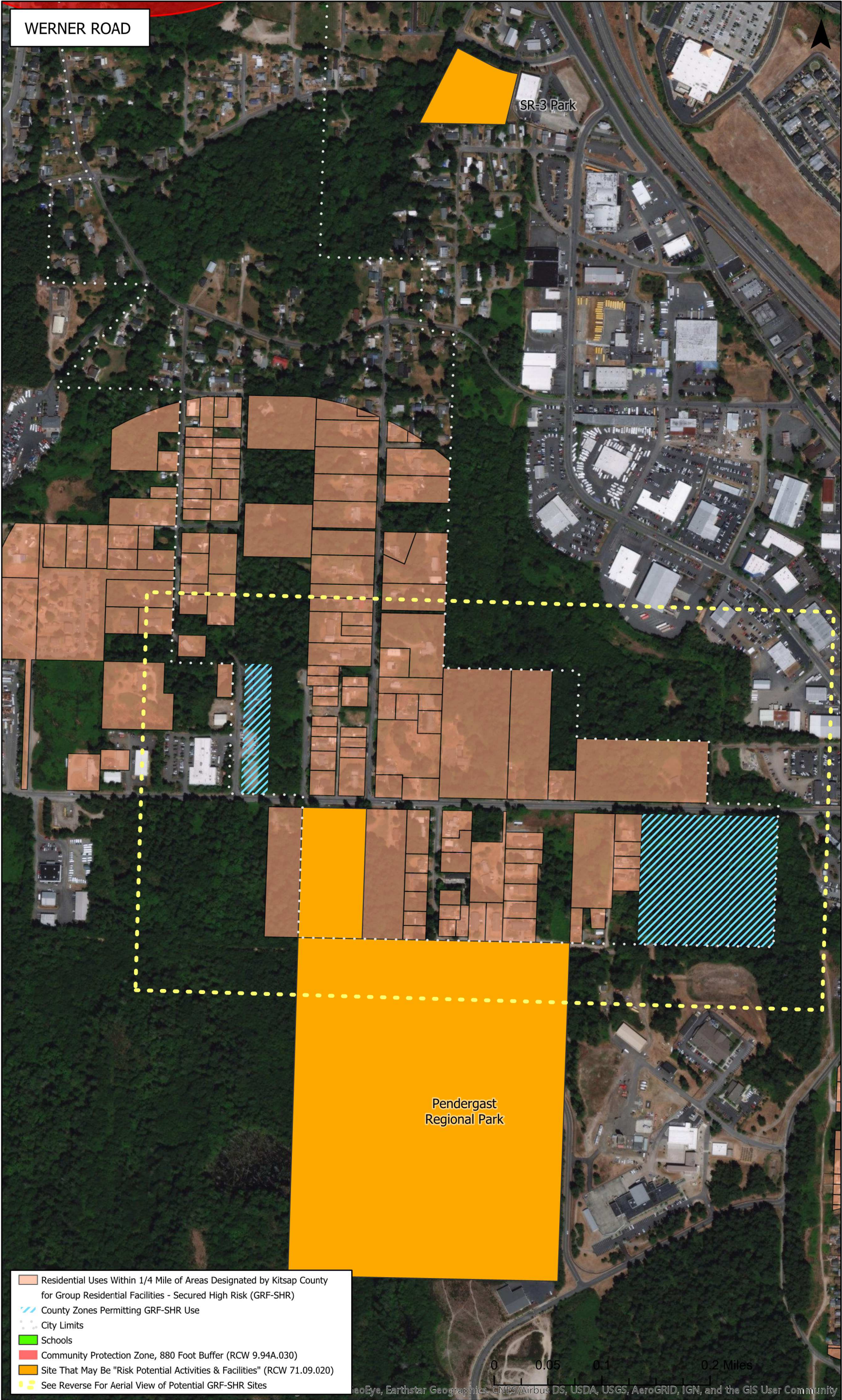


PERRY AVENUE NEIGHBORHOOD



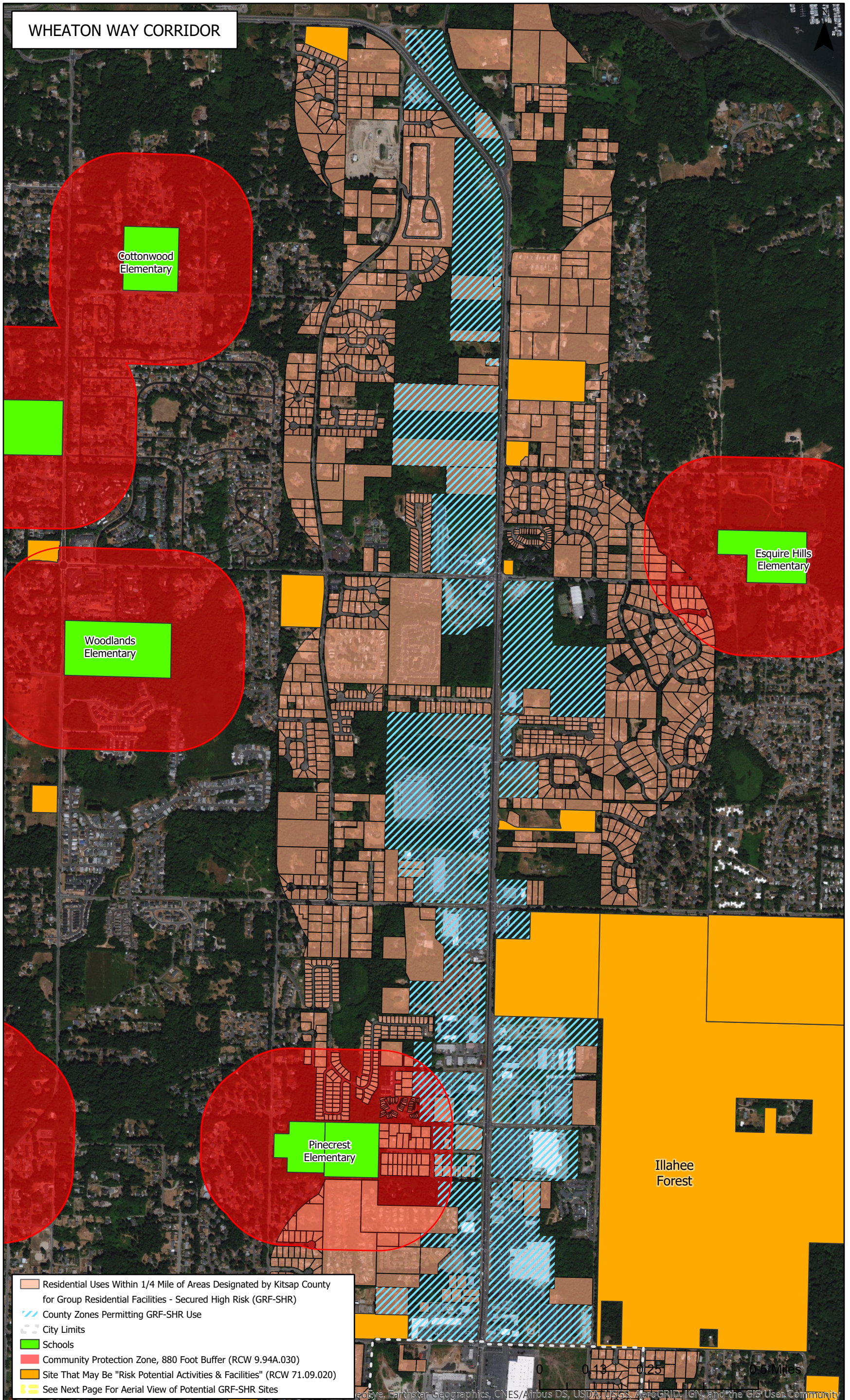






- Residential Uses Within 1/4 Mile of Areas Designated by Kitsap County for Group Residential Facilities - Secured High Risk (GRF-SHR)
- County Zones Permitting GRF-SHR Use
- City Limits
- Schools
- Community Protection Zone, 880 Foot Buffer (RCW 9.94A.030)
- Site That May Be "Risk Potential Activities & Facilities" (RCW 71.09.020)
- See Reverse For Aerial View of Potential GRF-SHR Sites







# KITSAP COUNTY BOARD OF COMMISSIONERS

*Efficient, accessible and effective county services*

April 1, 2019

Robert Gelder  
DISTRICT 1

Charlotte Garrido  
DISTRICT 2

Edward E. Wolfe  
DISTRICT 3

Mayor Greg Wheeler  
City of Bremerton  
345 6<sup>th</sup> Street Suite 600  
Bremerton, WA 98337-1873

Sub: Interim Zoning for Group Residential Facilities — Secured High Risk

Dear Mayor Wheeler:

On behalf of the Kitsap County Commissioners, thank you for the City's letter of March 22, 2019 commenting on the County's Interim Zoning Ordinance No. 566-2019. We also appreciated Council member Leslie Daus's testimony relaying the City's position and Councilmember Lori Wheat communicating her personal opinion during the Board's public hearing on March 25, 2019.

The City's letter recommended that the County enact a moratorium and repeal its interim zoning. We believe, after careful legal analysis, that a moratorium would place Kitsap County in violation of State law.

The State requires counties and cities to allow the placement of secured community-based living facilities for civilly committed individuals. Upon receiving citizen notification of the Poulsbo location, the County evaluated zoning code to determine two things: If we allowed this type of housing, and secondly, if not, how we could regulate to ensure safety for both the local neighborhoods and residents of the facility while also complying with state mandates. As a result, we established the interim zoning ordinance which took into consideration regulations of surrounding jurisdictions, including Bremerton, utilized for placement of group residential facilities. We found that other jurisdictions used similar concepts such as locating this type of housing in commercial and industrial zones as proposed in our interim zoning code.

The County's interim zoning code includes many similarities to the City's code. This includes:

- "Group Residential Facilities – Secured High Risk" in our interim code allows 1 to 4 residents.
- City of Bremerton's Class II Group Residential facilities for troubled individuals are defined without limits to the number of residents.
- The allowed zones for the Group Residential Facilities – Secured High Risk include most commercial zones and industrial zones. Bremerton's Class II Group Residential facilities are allowed in its Industrial Zone and Freeway Corridor zones. All these City and County zones abut residential areas.
- Our definition of Group Residential Facilities – Secured High Risk, including even a single supervised individual, allows the County to control and condition the placement of Sexually Violent Predators (SVP) in a supervised facility.



## KITSAP COUNTY BOARD OF COMMISSIONERS

*Efficient, accessible and effective county services*

The interim zoning code also includes restrictions that further constrain placement of these facilities based on neighborhood compatibility. While we are still in the early stages of code development and public outreach, a preliminary look at these types of areas, especially taking into consideration state community protection zones, which restrict these types of facilities from being located within 880 feet of schools, reduces potential siting conflicts. Other measures included in our interim zoning code include:

- Requires neighborhood meetings in addition to the Conditional Use Permit (CUP) noticing which allows additional input from the community prior to the approval.
- Requires broader neighborhood noticing (1/2-mile radius).
- Requires backup generators to maintain power to security systems.
- Requires access from a County right-of way to ensure EMS and law enforcement access and minimize private property impacts.
- Identifies many incompatible areas, based on risk potential, that further constrain siting, including: 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.

While we recognize your request is for Kitsap County to rescind the interim ordinance and enact a moratorium on the placement of these facilities, we cannot legally do so. Additionally, it should be noted that no local jurisdiction, including Bremerton has code provisions controlling placement of SVPs with their families or in unsupervised facilities.

The interim ordinance in its current form is viewed by Kitsap County as a necessary first step to protect our communities – a mission that is mutually shared by the County and the City of Bremerton. We look forward to working with community members and local jurisdictions on future refinements of the interim ordinance and thank you for expressing your interest in participating in those efforts.

Sincerely,

Edward E. Wolfe, Chair  
Commissioner District 3

Cc: Commissioner Robert Gelder, District 1  
Commissioner Charlotte Garrido, District 2  
Kitsap County Department of Community Development

