1 2 3 4 5 6 7 8	KITSAP COUNTY PLANNING COMMISSION Administration Building – Commissioner's Chambers April 16, 2019 @ 5:30 pm These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County's Website at http://www.kitsap/gov.com/dcd/pc/default.htm and listen to the audio file (to assist in locating information, time-stamps are provided below).		
9 10		pers present Kim Allen (Chair), Shelley Kneip, Tom Nevins, Joe Phillips, Richard Shattuck	
11		vensson	
12 13	<u>Memb</u>	ers absent Aaron Murphy, Gina Buskirk, Mike Eliason	
14 15 16	Staff p	resent Jim Bolger, Darren Gurnee, Dave Ward, Liz Williams, Amanda Walston (Clerk)	
17		05:30:07	
18	Α.	Introductions	
19		 Mr. Murphy, Ms. Buskirk & Mr. Eliason's absences are noted and excused. 	
20	В.	Adoption of Agenda	
21		 Motion: Joe Phillips moves to adopt the agenda as presented 	
22		Second: Jim Svensson seconds	
23		 Vote: 6 in Favor; 0 Opposed – Motion carries 	
24	C.	Approval of Minutes	
25		• 02/19/19	
26		 Motion: Joe Phillips moves to approve the minutes of 02/19/19 	
27		Second: Shelley Kneip seconds	
28		 Vote: 6 in Favor; 0 Opposed – Motion carries 	
29		 03/19/19 Postponed to next regular meeting. 	
30		5:31:52	
31 32	D.	2018 Planning Commission Annual Report – Dave Ward, DCD Manager, Planning & Environmental Programs (PEP)	
33 34 35 36		 Mr. Ward provides a brief overview of the 2018 Draft Planning Commission Annual Report, which will be presented to the Board of County Commissioners (BoCC). Format and intro are same as last year, slate of commissioners, slate of activity in chronological order. 	
37 38		 Motion: Joe Phillips moves to approve the 2018 Planning Commission Annual Report as presented 	
39		Second: Richard Shattuck seconds	

	 Vote: 5 in Favor; 0 Opposed; 1 abstain – Motion carries
	5:34:25
E.	Findings of Fact: Wireless Communications Facilities Code Update – Darren Gurnee, DCD PEP Planner
	 Mr. Gurnee presents a brief overview, referencing materials provided regarding the Findings, including the changes requested by the Planning Commission during Deliberations. Comments incorporated at last meeting.
	 QUESTION/ANSWER: Planning Commissioners ask for and Mr. Gurnee provides a report out regarding the additional stakeholders meeting held, noting some attendees included representatives from the wireless community, Kitsap Public Utilities, Puget Sound Energy, Kitsap County DCD and Public Works. Staff is still finalizing the draft for submittal to the BoCC and will forward a copy of the finalized draft to the Planning Commission.
	 QUESTION: Mr. Shattuck asks how any changes made to the draft will affect Findings of Fact approved tonight. Mr. Nevins notes that the Findings are tied to a recommendation, not a final decision.
	 ANSWER: Mr. Bolger notes any modifications will be reflected to the BoCC in the form of a matrix showing differences and concurrences, which will also be forwarded to the Planning Commission.
	 QUESTION: Chair Allen notes finding 24 states compliance with code but concerns remain, and a minority report has been prepared for submittal, if the Findings are approved.
	 Mr. Phillips is comfortable with the standards and finding that we are compliant with code, as is. As the Federal standards change, and we know they will, there will be inconsistencies that arise from them, but at this moment we are consistent.
	 ANSWER: Mr. Ward notes that areas of federal rulings rely on interpretation, for which DCD has consulted and relied on County Legal Counsel for.
	 QUESTION/ANSWER: Mr. Shattuck asks, and Mr. Gurnee confirms, that the finding can stricken or changed.
	 MOTION: Mr. Shattuck moves to strike the words 'federal standards' from Finding # 24 of the proposed Findings of Fact.
	Second: Mr. Svensson seconds.
	 VOTE: 5 in favor, 1 opposed – motion carries.
	 QUESTION/ANSWER: Ms. Kneip asks, and Mr. Gurnee confirms any legal challenge would be heard in the jurisdiction of the Federal court.
	 MOTION: Mr. Shattuck moves to approve the Findings of Fact as amended.
	• Second: Mr. Phillips seconds.
	 Vote: 6 in Favor; 0 Opposed – motion carries.
	E.

1		5:46:30
2	F.	Work Study: Interim Ordinance 366-2019 - Group Residential Facilities, Secured High Risk – Liz Williams, DCD Planner
4 5 6 7		 Ms. Williams provides a brief overview, referencing presentation slides, regarding High-Risk Secured Facilities (HRSF) and the related Interim Ordinance adopted on 02/26/19 by the BoCC. Ms. Williams also outlines the process for moving forward, noting the BoCC must act to adopt the final ordinance by 08/06/19.
8 9 10 11		 Proposal for HRSF will house 2 or more civilly committed sexually violent predators or individuals who pose likelihood of harm to others, whose sentences have been completed, to a less restrictive alternative (LRA) as defined by state law. These do not include secure community transition facilities or nursing homes, assisted living facilities or adult family homes with enhanced services, as defined by law.
13		 Ms. Williams provides proposed definitions, and requirements, including:
14		 Location/zones allowed
15		 Neighborhood compatibility and safety requirements
16		 Notification to surrounding/neighboring properties
17		Community meeting
18		 Public Hearing during the permit review process
19 20 21		 Ms. Williams encourages and outline the process for providing public comment, in writing, in person at one of scheduled public hearings or online comment can be submitted at https://tinyurl.com/KitsapCodeProjects.
22 23 24 25		 Ms. Williams notes state law limits what the County has authority to regulate, which includes the proposed items. The County cannot regulate operation of the facility, staffing levels, training or security requirements, outings in the community or separation distance from certain facilities beyond what is allowed by state law.
26 27 28		 QUESTION/ANSWER: Chair Allen asks, and Ms. Williams confirms, County Legal Counsel has specifically reviewed and confirm the County's authority limits regarding separation distances.
29 30 31		 QUESTION/ANSWER: Mr. Nevins asks, and Ms. Williams confirms, the Viking Way house is the only one established in the County, though there may be some within cit limits.
32 33		 Mr. Bolger notes other individuals have been released to other LRA settings but not in a group setting.
34 35 36		 Chair Allen asks, and Ms. Williams confirms a code violation has been issued to the Viking Way property, which has been appealed and will be heard before the Hearing Examiner.
37 38		 QUESTION: Mr. Phillips asks what use the County views the property to be currently operating under.

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

1 2 3		 Mr. Ward notes this program is a result of a constitutional challenge that individual rights were being restricted. Combined with the Americans with Disabilities Act (ADA) these issues are very sensitive.
4 5	•	QUESTION/ANSWER: Ms. Kneip asks, and Ms. Williams confirms, zones were chosen based on comparative reviews of surrounding jurisdictions.
6 7	, ,	Ms. Williams reviews the draft ordinance, including definitions, proposed allowed zoning/use and special provisions for the use.
8		6:14:02
9 10 11 12 13 14	•	Ms. Williams notes Section 4, page 8 lists county requirements for neighborhood meeting and mailed notification within half mile radius, restricts from locations near community protection zones and within line of sight of other sites. Also lists requirements for health, water & sewage for staff and residents; right-of-way (ROW), easements, emergency and traffic impacts; sprinkler systems, a mechanism that auto releases locks to allow egress in case of emergency; power & and back-up generation to ensure continued operation in outages or interruptions.
16 17 18	•	QUESTION/ANSWER: Chair Allen asks, and Ms. Williams confirms, public and private school establishments are defined in the use table, noting that licensed daycares are not included in this definition, per state law.
19 20	•	QUESTION/ANSWER: Mr. Nevins asks, and Ms. Williams confirms, the line of sight requirement covers such school establishments.
21 22	•	QUESTION: Ms. Kneip asks if the sprinkler and lock language is standard for other facilities or uses in these zones.
23 24 25		 ANSWER: Ms. Williams notes when liberties are restricted, it falls into a different classification of institutional building code, and must meet those requirements, where a typical single-family residence (SFR) would not.
26		6:20:55
27 28	•	QUESTION/ANSWER: Chair Allen asks, and Ms. Williams confirms, under Section 5 neighborhood meetings were optional, proposed section makes them required.
29 30 31	•	QUESTION: Mr. Nevins commends staff on cataloging and addressing comments received and asks about additional communication or more acceptance from local cities, mayors, etc.
32 33 34 35 36		 ANSWER: Mr. Bolger notes communication and collaboration is happening and meetings are planned between counties, cities, staff and counsel. Port Orchard passed a resolution similar to the County's proposal and Bremertor is moving forward with a proposal including some additional requirements. Poulsbo is scheduled to take action soon as well.
37 38 39		 Chair Allen asks about a previous request to repeal the interim and move forward with a moratorium. Mr. Bolger notes some discussion and reconsideration has happened with other jurisdictions.

QUESTION: Mrs. Kneip asks if the State or Department of Commerce have provided

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any comment.

1 2 3 4	 ANSWER: Mr. Bolger notes while none has been received yet, there is an assumption that as activity takes place, we will hear something. The appeal on the notice of violation, as well as legal activity in Superior Court regarding placement, may also spark comment.
5	 Mr. Ward notes staff has reached out to both agencies, but has not heard
6	back, other than generic statements or legal citations.
7	 QUESTION/ANSWER: Chair Allen asks, and Ms. Williams confirms, SEPA review is
8	required.
9	 QUESTION: Ms. Kneip asks if these facilities are appearing more frequently or
10	becoming relatively more common.
11	 ANSWER: Mr. Ward notes the State's increased efforts to move individuals
12	out of correctional settings such as McNeill Island has prompted some
13	increase. Pierce County has received a large number of released individuals
14	and is now asking for relief from some of the burden on their housing areas
15	 QUESTION/ANSWER: Ms. Kneip asks, and Ms. Williams confirms the population
16	comparison chart included in attachment 3 was submitted by a commenter.
17	 QUESTION: Chair Allen asks about legislation on staffing ratios, or terms of conditions
18	 ANSWER: Mr. Bolger notes it is all set by the State, and conditions vary
19	widely. There have been comments that the level of representation for the
20	individual has a major impact on the level and terms of conditions or
21	restrictions imposed.
22	 Ms. Williams asks if any additional information would be helpful to the Planning
23	Commission.
24	 DISCUSSION: Planning Commissioners note that addressing safety concerns and fears,
25	providing education and balancing individual rights is difficult, and made far worse by
26	the state's limited notification or information.
27	 It is noted that neighborhood meetings should be carefully planned and
28	facilitated in order to address many things and provide education for the
29	community, about the topic as well as what the state laws require and what
30	they allow latitude for the County to address.
31	 An additional challenge is that each court order of release is unique to the
32	individual, and additional placement of a new resident may bring a change
33	to what was previously evaluated and approved for that facility. The County
34	has intentionally mirrored language from the State, which allows the County
35	to pursue correction if needed.
36	 QUESTION: Mr. Svensson asks if State agencies were invited to attend the hearing on
37	May 7 th , or if there is indication of intent to participate.
38	 ANSWER: Mr. Bolger notes no agencies, but advocates and other
39	representatives, some to speak regarding placements, including some
40	pending for Poulsbo.

1 2	 QUESTION: Chair Allen asks for clarification regarding changes to terms of conditions the facility made after review of current or placement of new individuals.
3 4 5 6	 ANSWER: Mr. Bolger confirms the facility would be required to make necessary changes; the individual would not be required to leave unless they chose to. Changes in conditions might allow for a different setting, such as maybe a family member could meet the requirements.
7 8 9	 Mr. Ward also notes that the likelihood of conditions being released for the individuals to roam freely is highly unlikely, due to many factors but mental disabilities probably most relevant.
10 11	 Ms. Williams asks the Planning Commission to send any other questions to the Clerk, and staff will respond.
12	6:40:10
13	G. Administrative Update
14 15	 Jim Bolger, DCD Interim Director, provides a brief update, noting that the BoCC has selected Jeff Rimack as the new DCD Director.
16	
17	H. Good of the Order
18	None.
19	
20	Time of Adjournment: 6:40:35
21 22 23 24 25 26 27 28	Minutes approved this day of 2019. Kim Allen, Planning Commission Chair Amanda Walston, Planning Commission Clerk