



## Hearing Examiner Staff Report and Recommendation

**Report Date:** 05/18/2023  
**Hearing Date:** 05/25/2023

**Application Submittal Date:** 08/11/2022  
**Application Complete Date:** 09/07/2022

**Project Name:** Pacific Building Conversion- Temporary Housing Facility  
**Type of Application:** Administrative Conditional Use Permit (using optional Type III process)  
**Permit Number:** 22-03886

### Project Location

4459 SE Mile Hill Drive  
Port Orchard, WA 98366  
Commissioner District #2 (South)

### Assessor's Account #

302402-4-144-2009  
302402-4-214-2004

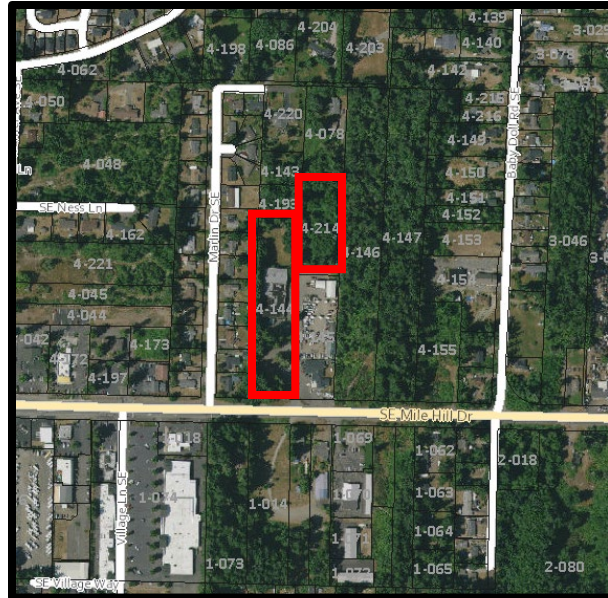
### Applicant/Owner of Record

Kitsap County  
Department of Human Services  
614 DIVISION ST MS 4  
PORT ORCHARD, WA 98366

### Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



### 1. Background

The project will convert an existing commercial use into a temporary housing facility, located over two parcels totaling 4.17 Commercial acres on SE Mile Hill Dr within the City of Port Orchard UGA. The existing structure is 20,040 square foot, 1-story building, formerly a 24/7 fitness center with associated parking, utilities and landscaping.

### 2. Project Request

This project will convert the existing structure into a temporary housing facility to shelter a maximum of 75 homeless persons. The use was determined to most consistent with the definition for the Group Living use, which requires an Administrative Conditional Use Permit in the Commercial zone. The facility is now owned by Kitsap County under the Department of Human Services, but is to be operated under contract with Kitsap Rescue Mission (KRM) at this time. The facility will have 8-12 employees over three rotating shifts as the facility will be open

24/7, 365 days a year. The facility is closed to the public with 24/7 security, and doors locked by a 10pm curfew. Guests will be admitted by KRM referral only, undergo background checks, and must sign a Guest Agreement regarding code of conduct.

Outdoor improvements will include landscaping (including 1,100 cubic yards of grading), fencing, and frontage improvements. An accessible walkway to the facility from the sidewalk will also be provided to allow access to transit. 40-paved parking stalls and an additional 20 stalls in gravel overflow parking exist and will be utilized for this use, along with 4 new bicycle stalls. An addition to the existing driveway will create a fire turn around and access to dumpster enclosure. Security lighting will be provided and directed away from adjoining properties. Signage at the property entrance will be updated. Two small storage sheds will be added outside the building (side and rear). The remaining area at the building front (east) will be designated a loading zone for deliveries, service providers, and emergency vehicles. Two 50 amp outlets are also proposed in this area for service providers mobile units.

The floor plans preserve existing office space, educational/training space, storage areas, and laundry facilities. The mechanical, electrical, plumbing and fire prevention systems within the facility will be upgraded to support the operations of a residential shelter facility. The interior upgrades include but are not limited to a hot water plant, electrical panel upgrades, roof replacement, installation of a digital fire alarm and sprinkler system, remodeled restrooms and showers to include ADA accessible amenities, flooring repairs and replacement, and lighting upgrades. An indoor pet care area is also included, with co-housing for up to 10 dogs, 6 cats and a few small animals.

Water and sewer to be provided by West Sound Utility District, electricity by Puget Sound Energy, natural gas by Cascade Natural Gas, and garbage services by Waste Management. There are no critical areas or buffer impacts for this location.

### **3. SEPA (State Environmental Policy Act)**

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it

becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application (Revised) dated October 18, 2022 (Exhibit 16). A Determination of Nonsignificance (DNS) was issued on April 18, 2023 (Exhibit 32). Comments included concerns about access to transit, neighborhood safety, need for written procedures, guest behavior, and County responsibility. Comments will be addressed in this Staff Report and included in conditions of approval.

SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report and here for reference:

1. This project will be conditioned to meet the requirements of Kitsap County Code Title 12, Stormwater Drainage; Title 17 Zoning, and Title 19, Critical Areas Ordinance.
2. This project will be conditioned to include frontage improvements consisting of 12' travel lane, 5' bike lane, and 6' sidewalk.
3. While this project meets the definition of Group Living per Kitsap County Code Title 17 Zoning, and could be permitted through the Administrative Conditional Use Permit (Type II) process, the Director has elected to utilize the Type III process and defer decision to the Kitsap County Hearing Examiner as authorized under Kitsap County Code 17.540.020.D.
4. The project will be conditioned to follow a Standard Operating Procedures Manual and Guest Code of Conduct. This includes, but is not limited to, the formation of a Community Relations Group. Members of the Community Relations Group will include representatives of the local business community, neighbors of the facility, the KRM Shelter Program Manager, and are representative from the Kitsap County Department of Human Services.

The SEPA appeal period expired May 2, 2023. No appeals were filed; therefore, the SEPA determination is final.

Since this proposal is receiving federal funding from the US Department of Housing and Urban Development, a NEPA review was required. A public comment period was separately published by the applicant in the Kitsap Sun and a Finding of No Significant Impact was determined and certified on 12/8/2022.

**4. Physical Characteristics**

This project area is composed of two properties and is accessed on the north side of SE Mile Hill Drive in Port Orchard, Washington. The southwestern property is developed with an existing parking lot and large commercial building that is the proposed site of the shelter facility. The northeast portion of the project area contains an existing detention pond and outlet as well as a gravel road along the eastern boundary. The area is forested with a dense shrub layer on the eastern portion and an abundant herbaceous layer in the western portion of the project area. The surrounding properties are smaller and contain single family homes to the east and developed businesses to the south and east. The project area is relatively level in the southwest portion and slopes down from the existing building and the former drain-field to the north and east towards the forested area and neighboring parking lot. No wetlands were identified on-site or within 300-feet of the project site (Exhibit 6).

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Urban High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	10 (3.28 ac *10=32.8 or 33 dwelling units)	75
Maximum Density	30 (4.71 ac *30= 141.3 or 141 dwelling units)	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	1 story, <35 feet
Maximum Impervious Surface Coverage	85%	~61,931 square feet or 34% (30% existing)
Maximum Lot Coverage	NA	NA

NOTE: Minimum density calculated by subtracting 10,191 sf for ROW/access easement, 19,258 sf for the stormwater facility, and 8,100 sf for recreation/open space (-37,499 sf total subtracted).

*Staff Comment:*

*KCC 17.415.255 requires that group living uses meet the density requirements of the zone, with each bedroom equaling a dwelling unit. Given the open, dorm-style housing proposed for this shelter, density was calculated using each bed as a dwelling. 75 beds would be well within the density requirements for the zone (33-141 du).*

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	20 feet	~ 322 feet (existing)
Side (East)	10 feet	47-feet (existing); Trash enclosure will be mostly on eastern parcel.
Side (West)	10-feet (20-feet when abutting residential per KCC 17.420.060.A.21) *Abuts residential	12-feet (existing) *KCC 17.420.060.A.42a applies as a legally-established, existing building setback line
Rear (North)	10-feet (20 feet when abutting residential per KCC 17.420.060.A.21) *Abuts residential	115-feet to proposed covered smoking area; 168-feet to proposed storage shed; 195-feet to existing building.

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Undeveloped; Single-family	Urban Low Residential (UL)
South	Single-family; Commercial (Medical/Dental; Karate School; Bank)	Commercial (C)
East	Undeveloped; Commercial	Commercial (C)
West	Single-Family	Urban Low Residential (UL)

**Table 4 - Public Utilities and Services**

	Provider
Water	West Sound Utility District
Power	Puget Sound Energy
Sewer	West Sound Utility District
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

## **5. Access**

No changes to the access are proposed. The facility is accessed directly from the north side of SE Mile Hill Drive via an existing 20' wide access and utilities easement (AFN 9209110093) along the east property line. Parking areas are entered from the east.

## **6. Site Design**

The proposed project site design includes proposed open space and amenities on the north (rear) of the existing building. The open space area will include perimeter fencing. The existing mature landscaping vegetation will generally remain, with a few trees removed for necessities such as the fire turn-around extension. The existing landscape buffer will also remain. Amenities within the open space will include pathways, playground, gazebo structures and a pet area.

The site area south of the existing building (front) will remain mostly as developed with an effort to retain the large trees and park-like setting. Original property buffer of healthy mature cedar, fir, alder and madrona trees will remain intact. Pedestrian access trail is proposed through this setback for safe access to the front sidewalk and transit stop. The existing paved parking area will be restriped and continue to function as onsite parking. Required handicapped accessible parking spots and an entry ramp is incorporated into the site design. Signage at the Mile Hill Drive property entrance will be updated.

The site area on the east side of the building (side), which includes the building entrance, will remain generally intact. The handicapped parking area will be regraded and resurfaced to ensure current ADA compliance. The remaining area at the building front will be designated a loading zone for deliveries, service providers, and emergency vehicles.

Solid-screening buffers of 6-foot wood fencing and vegetation are provided along the west perimeter adjacent to existing single-family residences. Existing mature vegetation will also be retained within the setback. (Exhibits 9, 10 and 28).

## **7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016.

The following Comprehensive Plan goals and policies are most relevant to this application:

*Land Use Policy 12. Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths and sidewalks and seek locations and means to expand existing trail system.*

*Land Use Policy 13. Examine health and equity impacts of land use decisions to all populations.*

*Land Use Policy 16. Promote housing preservation and development in areas that are already well- served by schools, public transportation and commercial facilities, and have adequate infrastructure to support alternative modes of transportation.*

*Housing, Human Svcs Policy 1. Expand and commit public resources to create a mix of housing alternatives and services for people experiencing homelessness.*

*Housing, Human Svcs Policy 3. Create additional permanent supportive housing units and expand service options for Kitsap residents who have significant barriers to independent, stable housing.*

*Housing, Human Svcs 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.*

*Housing, Human Svcs Policy 16. Ensure that all residents have an equal and fair opportunity to access human services, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class and ensure services are accessible via public transportation.*

*Housing, Human Svcs Policy 23. Promote housing preservation and development in areas that are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.*

*Transportation Policy 2. Approve site design that is supportive of transit services and its patrons.*

*Transportation Policy 3. Continue to require sidewalks on roads when development occurs within Urban Growth Areas.*

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

A complete index of exhibits is located in the project file. To date, the index to the record consists of 35 Exhibits.

Exhibit #	Document	Dated	Date Received
<b>1</b>	<b>STAFF REPORT</b>		<b>5/17/2023</b>
2	Application Submission Form	9/6/2022	8/11/2022
3	Authorization Form	9/6/2022	7/14/2022
4	Binding Water and Sewer Availability	9/6/2022	7/8/2022
5	Concurrency Test	9/6/2022	
6	Non-Wetland Determination Report	9/6/2022	7/12/2022
7	Pre-Application Meeting Notes (Hourly Rate Mtg)	9/6/2022	6/15/2022
8	Preliminary Storm Drainage Analysis	9/6/2022	July 2022
9	Preliminary Civil Plans	9/6/2022	7/14/2022
10	Project Narrative	9/6/2022	7/20/2022
11	SEPA Checklist	9/6/2022	7/18/2022
12	Site Assessment and Planning Packet	9/6/2022	5/10/2022
13	Site Plan	9/6/2022	7/14/2022
14	Stormwater Worksheet	9/6/2022	
15	Traffic Impact Analysis	9/6/2022	7/15/2022
16	Notice of Application		10/18/2022
17	Stormwater Conditions Memo	10/25/2022	
18	Open House Documents		10/26/2022
19	Open House Report		10/26/2022
20	Fairgrounds Shelter: Before/During/After Stats Report		10/31/2022
21	Environmental Assessment for HUD Assisted		11/29/2022



	Projects		
22	Interested Party Comments - Combined - #1	09/20/2021 - 12/29/2023	
23	Email from Waste Management	3/2/2023	3/1/2023
24	Applicant Response Narrative (Rice, Fergus Miller)	3/2/2023	2/17/2023
25	Architectural Plans	3/2/2023	2/17/2023
26	Engineer Response to Info Request (NL Olson)	3/2/2023	2/24/2023
27	Example Guest Agreement	3/2/2023	
28	Preliminary Landscape Plans - Revised	3/2/2023	2/17/2023
29	Site Photos	3/2/2023	2/17/2023
30	Standard Operating Procedures Manual	3/2/2023	2/16/2023
31	Interested Party Comments - Combined - #2	03/29/202 - 04/18/2023	
32	SEPA Determination of Non-Significance		4/18/2023
33	Interested Party Comments - Combined - #3	04/23/2023 - 05/17/2023	
34	Notice of Public Hearing		5/10/2023
35	Certification of Public Notice		5/15/2023
36	Pacific Building Communications Outreach		5/17/2023
37	Staff Presentation		
38	Hearing Sign		

## 9. Public Outreach and Comments

Public outreach for this use began as early as 2018, and specific to this project began in 2021. While not required for this use, the project proponents have generally followed the requirements under KCC 21.04.130- Neighborhood Meetings. Below is a summary of those efforts (Exhibits 18,19 and 36).

### **Informational Neighborhood Meetings – Zoom – 4/26/21 and 5/25/21**

After purchasing the property in mid-April 2021, neighborhood meetings were held to share information about the plans for the project.

The meetings were advertised through a postcard sent from the Commissioners’ Office that was sent out to addresses within an 800-foot radius of the property, invitations sent via email to people who had expressed interest or concerns about the project in the past, advertisement on GovDelivery, Kitsap County social media, and announcements at other meetings. This informational-only session had about 120 registered participants.

### **Listening Sessions – Zoom – 11/30/21 and 12/2/21**

Two listening sessions via Zoom that were professionally facilitated by the Dispute Resolution Center of Kitsap County.

The meeting was advertised on the project webpage (<https://kcowa.us/skhousing>), invitation packets were sent out from the Commissioners' Office to all addresses within a ½ mile radius of the project, invitation packets (see attached) were sent to people who had sent comments/complaints about the project to the County in the past, it was advertised on the County's social media platforms, and announced at other community events.

The 11/30/21 session had 87 registered participants with 27 requesting to comment. For the 12/2/21 session, there were 58 registered participants with 22 requesting to comment.

**Community Meetings with Neighborhood Group- MHP SO (residential and commercial)**

The applicant held three meetings directly with a group of concerned neighbors, collectively the Mile Hill Public Safety Organization (MHP SO). Meetings took place on 6/7/22, 6/24/22 and 8/23/22.

**Commissioner's Corner, BKAT Program- 10/19/22**

The Kitsap Rescue Mission and Kitsap County Commissioner Garrido discuss the proposed shelter on local access television.

**Pacific Building Community Open House- 10/26/22**

The in-person, on-site open house was advertised by the applicant through a press release, on social media, through a county electronic alert, on county webpages, sending a postcard out to neighbors, and through announcements at meetings.

The open house consisted of a facility tour, information tables to speak with County staff and service providers, and opportunity to provide written comments to help guide future permit application review. Attendees were encouraged to provide formal comment through the ACUP permitting process. (Exhibits 18 and 19).

In addition to the community meetings and open house event, public comment was opened with the combined Notice of Application and SEPA Comment Notice dated 10/18/2022. Multiple email comments were received and are summarized below. *There are a significant number of comment letters from the public and agencies that support this proposal (see Exhibits 22, 31 and 33). They are not included in the tables below as they are not identified as concerns.*

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit
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		Reference No.
1	<p><b>Transit</b></p> <p>There is a transit bus stop approximately 500' to the west of the project location. The stop is not currently accessed by a sidewalk but rather a shoulder along Mile Hill Dr. Given the scope of the project, Kitsap Transit would like for an improvement to be made connecting the project site to the current transit stop on Mile Hill Drive at Village Lane or another agreed upon stop location.</p>	Exhibit #22, p.12; Exhibit #33, p.6
2	<p><b>Risk and Crime</b></p> <p>A. There has been no detailed risk assessment or mitigations completed for the neighboring community because of this project.</p> <p>B. Need to address risk of crime, violence, and safety concerns to surrounding community, not just for on-site.</p> <p>C. What is the County's responsibility?</p>	Exhibit #22 Exhibit #31 Exhibit #33
3	<p><b>Operating Procedures and Guest Selection</b></p> <p>A. No written requirements or procedures for the operation of this facility.</p> <p>B. No plan for how guests will be selected for this facility or how those that may pose a mental health or community safety risk will be addressed.</p>	Exhibit #22 Exhibit #31 Exhibit #33
4	<p><b>Youth Proximity</b></p> <p>Proximity of large numbers of children to this facility poses a safety concern.</p>	Exhibit #22 Exhibit #31 Exhibit #33

Issue Ref. No.	Issue	Staff Response
1	Transit Access	Project is conditioned for frontage improvements, including sidewalks and on-site pedestrian improvements to facilitate safe connection to the existing Kitsap Transit stop approximately 400-500' west of the project location. In addition, to the extent possible, KRM will provide daily and weekly transportation on scheduled routes. This would include transportation to medical appointments, laundromat, pharmacy, grocery store and dog park. Kitsap Transit Access bus may also be requested to the facility as needed. Kitsap Transit agrees with and supports the proposed plans (Exhibit 33, p.6).
2.A	Risk Assessment	The applicant has submitted a Standard Operating Procedures Manual (Manual) (Exhibit 30) and Guest

		<p>Agreement (Exhibit 27) to help outline how risk will be mitigated for both guests and the surrounding community. The Kitsap County Homeless Crisis Response and Housing Plan (Plan), approved in 2005 and updated in 2019, has reported a 'dramatic increase in the numbers of men, women and children in Kitsap County experiencing homelessness'. One action step within the plan is to increase the number of residential shelter beds available throughout Kitsap County, including south Kitsap. The property and the Pacific Building were selected for the following reasons that include, but are not limited to:</p> <ol style="list-style-type: none"><li>1) The geographic location in the unincorporated south Kitsap County;</li><li>2) The commercial zoning designation;</li><li>3) The expansive square footage of the existing structure;</li><li>4) Abundant parking for residents, staff and service providers;</li><li>5) Access to Kitsap Transit public transportation;</li><li>6) Access (within walking distance) to schools, banks, recreational areas, public laundry facilities, health services, and veterinarians;</li><li>7) Proximity to the South Kitsap food bank and a wide range of food options such as restaurants, farmers markets, and shopping centers, and;</li><li>8) Access to a wide range of employment opportunities.</li></ol> <p>(Exhibit 10) The applicant has demonstrated that the shelter location was thoughtfully selected to provide the shelter guests with the best chances for success, and best use of resources (existing facility). The proposal is located in a zone most compatible for the use. The Group Living use would require the same level of permitting (ACUP) if placed in the Urban Low zone, which is the zone for most of the surrounding residential parcels. The use is not permitted in rural zones due to lack of necessary resources and transportation, nor is it permitted in Industrial or LAMIRD zones (which has been suggested in some comments). The only zones where the use is permitted outright is in Urban Medium and Urban High, however the size of available</p>
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		parcels and/or facilities would likely negate the possibility for a facility of this size in those zones.
2.B	Crime/Safety in Community	There are no general plans for increased patrols, as those are based on either a trespass request from the property owner or requested due to an increase in break-ins or other specific crime. Crime rates are generally increasing at all geographic scales, so increased patrols would be based on a specific need and available resources. Kitsap County Sheriff's Office (KCSO) also provided crime statistics (Calls for Service, or CFS) within a ½ mile of a similar shelter facility formerly operating out of the Kitsap County Fairgrounds. They concluded that CFS in the surrounding community around the shelter did not increase because of the presence of the shelter. While the CFS did increase <i>at the shelter</i> (by 3 per month), the residents at the shelter would likely have created more CFS if living unhoused in the community. (Exhibit 20). See below responses for more information on community safety.
2.C	County Responsibility	Kitsap County, through Kitsap County Human Services, Housing and Homelessness Division, will be the property owner. Kitsap Rescue Mission (KRM) will be the tenant. As documented in the Standard Operating Procedures Manual (Manual) (Exhibit 30), Kitsap County Human Services, Housing and Homelessness Division Director will monitor KRM executive management staff, operations, services, and review routine statistical reports as set forth in the Kitsap County Professional Service Agreement. The KRM Executive Director is responsible for the overall management of the KRM and the development of operational procedures, staffing, staff training, food service, transportation, and schedules the delivery and coordination of health care and human services at the Pacific Building shelter facility. A representative from the Kitsap County Department of Human Services and KCSO (Exhibit #33, p.2) will also be a member of the Community Relations Group that will be formed to enhance communications about shelter operations, address property issues, or respond to grievances about staff, service providers, or registered guests in the shelter community and the surrounding neighborhood. Members of the public and neighbors of the facility will be able to contact the shelter to register complaints, discuss

		concerns, or request information. A designated telephone number and/or email address will be set-up and provided to the public. KRM staff will make every effort to respond to public complaints and concerns quickly and work towards resolution in a timely way (Exhibit 30).
3.A	Operating Procedures	Though not required for review of the Group Living use, staff requested additional information from the applicant to address public comment concerns regarding risk assessment and safety concerns for the surrounding neighborhood. In response, a Standard Operating Procedures Manual (Manual) (Exhibit 30) and Guest Agreement (Exhibit 27) were provided by the applicant, along with other supporting clarification documents (Exhibits 23-30). The Manual addresses concerns such as intake procedures and criteria, community relations, security protocols, guest services and responding to difficult behaviors.
3.B	Guest Selection	The Housing Solutions Center (HSC) is the entry point for all housing applications in Kitsap County. Their staff assist with the completion of a basic housing application. The completed application is processed by HSC with a vulnerability assessment tool (VAT) for frontline workers at agencies that work with homeless clients to prioritize which clients should receive assistance first and determine which clients are most vulnerable. The scores on the VAT will determine the placement in a shelter or housing facility that will provide the support and assistance required. Applicants that qualify for placement in the Pacific Building group shelter will score the highest in need and most vulnerable. Kitsap Rescue Mission (KRM) will be the housing provider at Pacific Building. KRM has an addendum to the HSC application that requires an additional drug and alcohol screening, as well as a medical screening that is sensitive to behavioral health issues that may not be suitable for group living. KRM also does not currently accept applicants with a history of arson, meth manufacturing, assault 1,2,3 or have a violent criminal history. Only HSC applicants, accepted by KRM, will be provided with shelter and services at the Pacific Building facility. There is no process to accept walk-ins, former guests or emergency placements. (Exhibit 30)

4	Youth Proximity	See above. The Group Living use is allowed in the Commercial zone through approval of this ACUP. The applicant has provided documentation to support that safety for guests and the community are addressed to the greatest reasonable extent. They have provided documentation for addressing problematic guests and/or situations, and a plan for community involvement to address concerns as they arise (Exhibits 10, 27, 30). Guests at the proposed facility are already present in the Port Orchard community, but rather in an unhoused or at-risk situation. The facility provides temporary housing and services to these same individuals and families. Youth will be present at the facility itself, with amenities such as family housing areas and playground incorporated by design (Exhibit 9). Part of the site selection included this proximity to schools so that children living in the shelter would be within walking distance or direct access to public transportation (Exhibit 10).
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## 10. Analysis

### a. Lighting

Security lighting will be directed away from adjoining properties and meet KCC 17.490. Please see exterior lighting locations on Architectural sheets A101 and A103.

### b. Off-Street Parking

There are no parking stall number requirements for this use identified in KCC 17.490.030. A parking analysis was included in the Traffic Impact Analysis (Exhibit 15), in section 4.5. This analysis assessed resident parking needs based on those from a similar shelter on Kitsap Way (Bremerton). The analysis concluded 16 parking stalls for personnel, 11 for residents, 2 for volunteers, and 7 for Other (service providers, deliveries, etc.). This results in an average peak parking demand of 36 parking stalls. There are currently 40 parking stalls in the existing paved lot that will be re-striped. The analysis also takes into account 11 possible swing-shift staff during turnover, of which the existing overflow gravel parking lot of 20 stalls will be able to accommodate. Per KCC 17.490(H)(10), 1 bicycle spot per 10 vehicle stalls should be provided (1 per 20 is the minimum). Since 40 parking stalls are proposed there should be 2-4 bicycle parking available. The applicant has proposed 4 bicycle parking stalls.

The shelter parking lot is only open to permitted vehicles operated by guests, staff, volunteers, and service providers. All vehicles must display a valid parking permit issued by KRM. Parking permits will be revoked by KRM if:

- The vehicle is leaking fluids (creating an environmental hazard);
- The vehicle becomes inoperable;
- The vehicles is used for storing/hoarding food items;
- The vehicle is used for sheltering an animal; or
- The vehicle was involved in an accident or if found transporting or storing shelter contraband.

The parking area is monitored, and will continue to be monitored, by Kitsap County staff and 24/7 surveillance cameras. KRM will contract with a local tow company was contracted to post NO PARKING signage, limited services for permitted vehicles, and removal of illegally parked vehicles.

In the event a vehicle arrives onsite with a RV or camper/trailer on a hitch, it must remain hitched or be otherwise stored off-site at a public or private storage facility. Existing procedures are in place through the Kitsap County Sheriff's Office to handle vehicles in the County right-of-way that may be considered abandoned, and with the fire department if there is an environmental hazard (Exhibit 30).

**c. Signage**

An existing, free-standing, internally illuminated sign is present on-site. The applicant expects to utilize the same sign structure while updating the face, pending structural analysis. This permit will be conditioned for more sign detail with Site Development Activity Permit (SDAP) application to determine if any additional sign permits will be required.

**d. Landscaping**

The proposal is located within the Port Orchard Urban Growth Area (UGA) and was reviewed for urban development landscape requirements in KCC 17.500. A roadside and setback area buffer is required in the UGA along existing roads, side and rear property lines. The existing vegetation will be utilized for the front (south), as it consists of healthy mature cedar, fir, alder and madrona trees, as well as additional frontage improvement landscaping (street trees, shrubs and groundcover; meeting spacing requirements in KCC 17.500.030). The side (west) property lines border existing single-family residential development, so solid screening will be provided at the west side parcel line, consisting of a solid, 6-foot wood fence and existing mature vegetation (3 additional trees added to northwest corner). The rear property line is also adjacent to Urban Low Residential zoning but is currently vacant and owned by Kitsap County. A chain link fence will remain along the rear property line. The northern portion of the east property line will be fenced using chain-link. Additional shrubs and groundcover



will be placed along a central portion of the east property line. The remainder is existing parking and paved access easement shared with the neighboring commercial use (Wave) with existing chain link fencing on the east end of the easement (neighbor side). The trash receptacle will be fully enclosed.

Since only 34% of the project site will be impervious, greater than 15% will remain or be enhanced as landscaping. No parking row consists of 15 or more stalls so additional parking landscaping is not required per KCC 17.500.050, however existing mature vegetation around and between the parking isles will remain. (Exhibits 28 and 29).

**Table 5 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	15% of 180,374 sq ft = 27,056 sq ft	119,047 sq ft (66%)
Required Buffer(s) 17.500.027		
North	Separation Buffer	Separation Buffer*
South	Roadside and Setback Buffer	Roadside and Setback Buffer
East	Separation Buffer	Separation Buffer**
West	Solid Screening Buffer	Solid Screening Buffer
Street Trees	3 @ 35' off-center (deciduous)	3 @ 35' off-center (deciduous)

*\*The property adjacent to the north property line is also owned by Kitsap County and is currently vacant and fully vegetated.*

*\*\*The existing paved access easement and parking access are located along most of the east property line setback. Adjacent use is commercial with existing chain-link fence on their side of the easement. Existing vegetation and parking planters will remain.*

**e. Frontage Improvements**

Frontage improvements along the entire property frontage on SE Mile Hill Dr shall consist of 12-foot wide travel lane, 5-foot bike lane and 6-foot sidewalks, consistent with requirements for an Urban Minor Arterial. Site access will be designed per Kitsap County Road Standards Figure 4-4. Frontage improvements will also consist of street trees and associated roadside and setback buffer requirements.

**f. Design Districts/Requirements**

The project is located within the Port Orchard UGA but not within a Design District. The project has been designed to meet the UGA development standards applicable to the project and neighboring zones.

**g. Development Engineering/Stormwater**

The existing development consists of a commercial building formerly used as a fitness center, a storm drainage system, landscaping and parking. Adequate vehicular access exists via private easement on the neighboring parcel to the east that intersects to the south at SE Mile Hill Dr, an existing County right-of-way. Exterior improvements include replacing the existing asphalt parking lot to meet ADA standards and provide emergency vehicle turnaround. The proposed stormwater facilities include adding catch basins and a Filterra treatment facility to the existing conveyance system that is routed to a County stormwater pond on the neighboring project parcel to the northeast. Potable water and sanitary sewage disposable is provided by West Sound Utility District.

Development Services and Engineering has reviewed the proposal and Preliminary Drainage Report and Preliminary Engineering Plans (9/6/22) and finds the concept supportable in its approach to civil site development. (Exhibit 17).

**h. Environmental**

A Non-wetland determination report (Exhibit 6) was provided and concluded that no wetlands were identified onsite or within 300 feet of the property. Test plots were conducted in areas indicating wetland hydrology but did not meet soil parameters to be identified as wetlands. There are no other critical areas or buffers on site. Tree removal will be limited to a few trees as necessary for the turn-around but will be under forest practices thresholds for additional review.

**i. Access, Traffic and Roads**

The proposal has adequate vehicular access via private easement on the neighboring parcel to the east that intersects to the south at SE Mile Hill Dr, an existing County right-of-way. Exterior improvements include replacing the existing asphalt parking lot to meet ADA standards and provide emergency vehicle turnaround. A Traffic Impact Analysis (Exhibit 15) was completed and concluded that the proposed use is anticipated to generate no net new average weekday daily or PM peak hour trips, and that the proposed SE Mile Hill Drive access is shown to have acceptable service levels. No traffic mitigation has been identified as necessary at this time. The proposal is conditioned for additional permits and frontage improvements as described above.

**j. Fire Safety**

The proposal has been reviewed by the Kitsap County Fire Marshal's office with added conditions for approval to meet fire safety requirements with SDAP and building permit applications.

**k. Solid Waste**

The proposal has been reviewed by Kitsap County and Waste Management (Exhibit 23) and conditioned to meet solid waste requirements.

**l. Water/Sewer**

The proposal will be served by West Sound Utility for both water and sewer. Preliminary availability letters have been provided (Exhibit 4). The initial letter allowed for a 1" meter for the water and 12 ERU's for sewer. Upon further review, it was determined that a 2" water meter with a 3" line will be needed. The existing irrigation meter will remain. In regard to the sewer, the calculated ERU's needed per district sewer rates and policies and procedures is 37.5 ERU's (75 residents x 0.5=37.5 ERU). Project is conditioned to provide final availability letters with SDAP application.

**m. Kitsap Public Health District**

Not applicable to this proposal. Both water and sewer are provided by West Sound Utility.

**11. Review Authority**

DCD Director is exercising and requiring the optional hearing process under KCC 17.540.020.D for the Type 2 application (ACUP), elevating the process to a Type 3 hearing process. Under the Type III application process, the Hearing Examiner has review authority under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Administrative Conditional Use Permit request for Pacific Building-Mile Hill Shelter be **approved**, subject to the following **38** conditions:

#### **a. Planning/Zoning**

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. A final Landscaping plan shall be submitted with SDAP application. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
3. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
4. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
5. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-03886). Any change(s) or deviation(s) in

such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

7. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
8. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
10. Final availability letters for adequate water and sewer from West Sound Utility shall be provided with SDAP application.
11. This project is conditioned to follow a Standard Operating Procedures Manual and Guest Code of Conduct. This includes, but is not limited to, the formation of a Community Relations Group. Members of the Community Relations Group will include representatives of the local business community, neighbors of the facility, the KRM Shelter Program Manager, and are presentative from the Kitsap County Department of Human Services.

**b. Development Engineering**

12. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
13. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Services and Engineering.
14. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time this permit application was deemed fully complete. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with

Kitsap County Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.

15. Any project that includes off site improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time this permit application was deemed complete.
16. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations and maintenance of the stormwater facilities contained therein.
17. Upon completion of the storm drainage facilities, the developer will be required to post a two-year maintenance bond for the facility. The developer will be responsible for providing regular and adequate maintenance during this two-year period and supportive maintenance records. At the end of this time, the County will inspect the system and, when the facility is acceptable and 80% of the homes have been completed, the County will take over maintenance and operation of the system. Wording to this effect must appear on the plat and in the covenants before final recording. Areas proposed to be maintained by the County that are not in the right-of-way must be shown as a separate tract/s or drainage easement/s with Kitsap County being designated as the grantee.
18. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.
19. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
20. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

**c. Environmental**

None applicable.

**d. Traffic and Roads**

21. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
22. The hammerhead shall be designed to accommodate a SU design vehicle. The dumpster enclosure shall not be considered as part of the hammerhead. The wheel path of the design vehicle shall remain within the paved area for all

required movements.

23. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
24. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
25. For safety and access, frontage improvements are required along the entire property frontage on SE Mile Hill Dr to bring the frontage up to current standards. For an Urban Minor Arterial that shall consist of 12-foot wide travel lane, 5-foot designated bike lane and 6-foot sidewalks.
26. Site access shall be designed per KCRS Figure 4-4.
27. The Site Development Activity Permit shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
28. The developer's engineer shall certify that there is adequate entering sight distance at all project intersections with County rights of way or State rights of way. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards for County rights of way and shall meet WSDOT standards for state rights of way. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the SDAP, or with the commercial building permit application if a SDAP is not required. Use for any Land Use permit where a new road or road approach is proposed to intersect an existing road.
29. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

30. An automatic fire sprinkler system and monitored fire alarm will be required. The fire department connection (FDC) provided for the fire sprinkler system shall not be installed on the building. FDC's shall be installed remotely in an approved location.

31. A fire flow availability letter shall be provided. With the installation of an automatic fire sprinkler system, a minimum of 1,000 gpm is required for a full NFPA 13 designed system. \*18,870 square feet of VB construction = 3,750 gpm for 2 hours, 20 psi residual. Reduction of 75% (of 3,750) allowed, but no less than 1000 gpm required.
32. Site fire hydrants shall be provided. Existing hydrants will be considered, if within approved locations. Minimum spacing for site hydrants shall not exceed 400 feet. One hydrant shall be located within 50 feet of the FDC.
33. Fire access shall be provided for all on site structures and shall be provided in approved locations. Fire access roads shall be a minimum of 20 feet in width, 13 foot 6 inches clear height and shall be constructed of an all-weather surface designed to tolerate the load of a 60,000-pound apparatus. Any fire access road that dead-ends and exceeds 150 feet in length, shall be provided with a turn-around. The intended fire access routes shall be clearly indicated on civil plans. Approved marking of fire access roads will be required.
34. Separate structures constructed on site shall meet the requirements of Chapter 6 of the IBC for separation distance, unless specifically exempted.
35. ADA compliant access shall be provided throughout. This will include ADA parking stalls to the structure and its amenities, to public transportation stops to the public way or street, per chapter 11 of the IBC. Intended ADA compliance through the site shall be clearly shown on proposed civil plans.

**f. Solid Waste**

36. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at [pnwcmervices@wm.com](mailto:pnwcmervices@wm.com) or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>
37. The SDAP submittal shall show solid waste dumpster location, method for securing the enclosure gates in an open position and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.

**g. Kitsap Public Health District**

38. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval. For changes of use within the building, work with West Sound Utility District to ensure current water/sewer connections are adequate.



**Report prepared by:**

  
\_\_\_\_\_  
Kathlene Barnhart, Staff Planner / Project Lead

5/17/23  
Date

**Report approved by:**

Katharine Shaffer  
\_\_\_\_\_  
Katharine Shaffer, Planning Supervisor

5/8/23  
Date

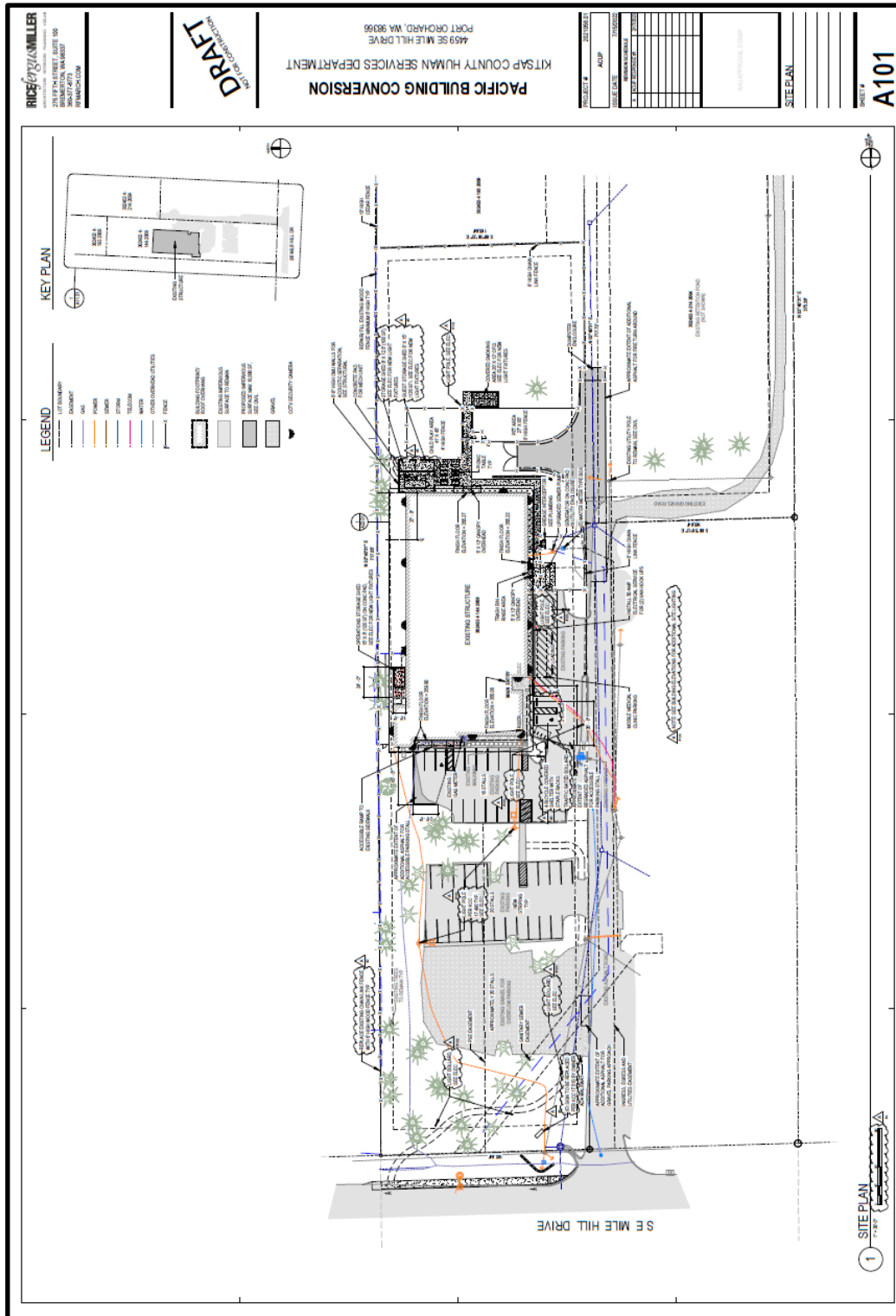
**Attachments:**

- Attachment A – Site Plan
- Attachment B – Zoning Map
- Attachment C – Comprehensive Plan Designation
- Attachment D – Floor Plan

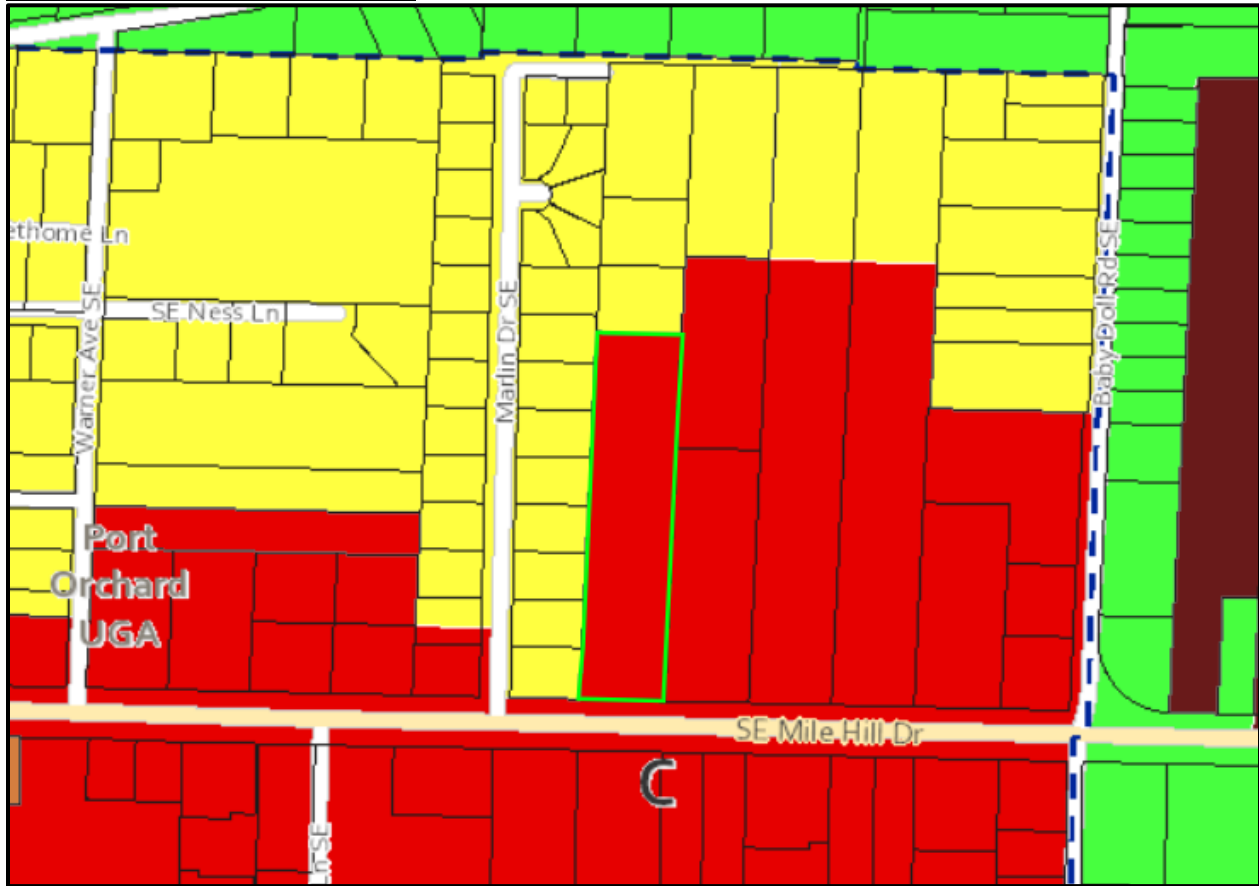
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Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Cecilia Olsen  
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**ATTACHMENT A:**  
**Site Plan**





**ATTACHMENT B: ZONING MAP**





**LEGEND**


UGA Boundary

 UGA Boundary

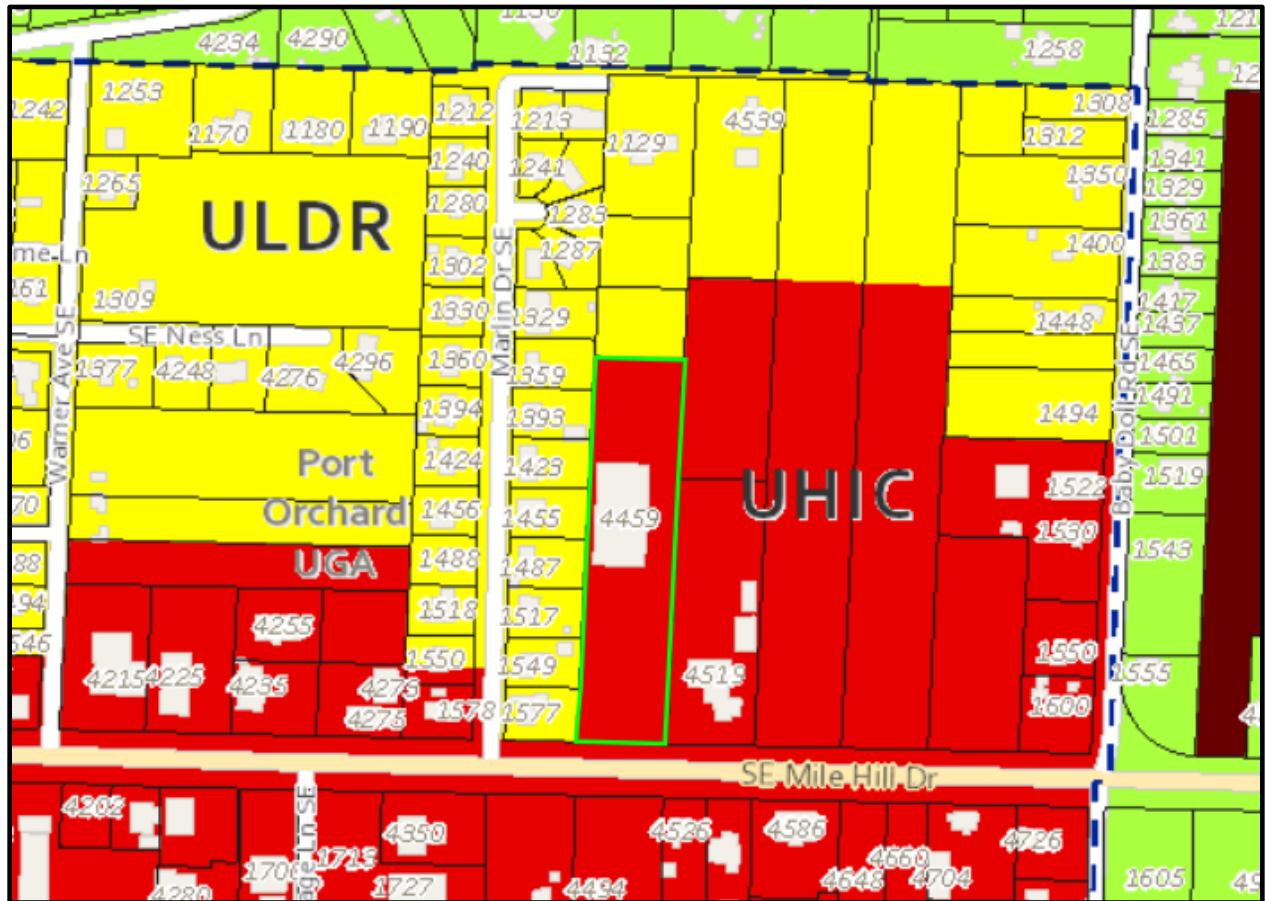
 RR - Rural Residential (1 DU/5 Ac)

 Commercial (10-30 DU/Ac)

 UL - Urban Low Residential (5-9 DU/Ac)

 RCO - Rural Commercial

**ATTACHMENT C: COMPREHENSIVE PLAN DESIGNATION**



**LEGEND**

- Urban High-Intensity Commercial/Mixed Use
- Urban Low-Density Residential
- Rural Residential
- Rural Commercial

**ATTACHMENT D: FLOOR PLAN**

