



ZONING REGULATIONS REGARDING HIGH RISK SECURED FACILITIES

Public Participation Plan

November 2019

INTRODUCTION

In 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP). When certain individuals that are civilly committed as SVPs have fulfilled their sentence but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility.

In 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law, and in 1994, the Federal District Court for Western Washington entered an order an 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 individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives. Then, 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 an SVP is eligible for placement in an LRA.

An 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. Washington State does not regulate the location or land use and life safety of community based LRAs. The City of Poulsbo City Council has determined that the current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities.

The Poulsbo City Council passed Ordinance 2019-07 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16).

This code amendment proposes to replace the interim zoning regulations.

PUBLIC AND AGENCY GOALS

- To provide the public with timely information, an understanding of the process, and opportunities to review and comment on the critical areas ordinance amendments, and to have these comments forwarded to the City's decision makers.
- Ensure that information about the process is provided to the public early in the process and at regular intervals thereafter, to maximize public awareness and participation in the process.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the amendment process and the future of Poulsbo land uses and the City's Comprehensive Plan.
- Encourage the public to informally review and comment on the update throughout the process.
- Incorporate public comment into the local government's review process prior to significant milestones or decision making.
- Provide forums for formal public input at milestones prior to decision making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

PUBLIC ENGAGEMENT OPPORTUNITIES

The City is committed to providing multiple opportunities for the public to engage throughout the process. The City will take advantage of various modes of communication to inform the public and encourage their participation.

- **Website:** The City's Planning and Economic Development (PED) Department webpage will house the Zoning Amendments where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information:
<https://cityofpoulsbo.com/development-regulation-amendments/>
- **E-Notice Mailing List:** An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive periodic notices regarding the amendment progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at plan&econ@cityofpoulsbo.com and request being placed on the Development Regulations updates e-notice mailing list.
- **Comment:** Interested citizens are encouraged to provide comments to the City by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

City of Poulsbo Planning and Economic Development Department
200 NE Moe Street | Poulsbo, WA 98370
Fax (360)697-8269 | Email plan&econ@cityofpoulsbo.com

- **Attend:** Interested citizens are encouraged to attend and provide verbal comments to the City at the Planning Commission and/or City Council public hearings.

INFORMATION AVAILABILITY

The proposed ordinance is available for public review. The primary repository of all information related to the update is the City's website— www.cityofpoulsbo.com – at the Planning and Economic Development main page – where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted. An e-mail link for questions or comments will also be provided at the website.

Documents are also available for review at Poulsbo City Hall 200 NE Moe Street, Poulsbo. Copies will be provided at a reasonable cost. Official notices will be published in the North Kitsap Herald and posted in the Poulsbo Post Office, Poulsbo Library, and Poulsbo City Hall notice boards. The local news media will be kept up to date on the update process and receive copies of all official notices.

PUBLIC AND AGENCY REVIEW TIMELINE

A Public Participation Plan is required by the Growth Management Act to describe how the City will encourage early and continuous public participation throughout the process of reviewing and updating Development Regulations. The Public Participation Plan includes opportunities to comment, review timeline, and contact information. Please see <https://cityofpoulsbo.com/development-regulation-amendments/> to review the Public Participation Plan.

November 15, 2019

Public Release of Proposed Amendments to PMC 18.40.030 and 18.90 1) post on City's website; 2) distributed to local, regional and state agencies; 3) distributed to Planning Commission and City Council; 4) email announcing availability of material sent to email list.

November 15, 2019

Notice of Application with Optional DNS, Planning Commission Public Hearing, and City Council Public Hearing published in NK Herald; distributed to resource agencies, Tribe, other interested parties

November 29, 2019

NOA/ODNS comment period over

December 10, 2019

PC Public Hearing 7 p.m. | Council Chambers

December 12, 2019

Transmittal PC Recommended Commercial Code Update to City Council

December 18, 2019

City Council Public Hearing - 7 p.m. | Council Chambers

PUBLIC HEARINGS

The Planning Commission and City Council will conduct at least one public hearing each to gather and consider public testimony on the Zoning Regulations Regarding High Risk Secured Facilities Amendments. The hearing(s) are anticipated for **December 10, 2019 (PC) and December 18, 2019 (CC)**. Public notice of all hearings will state explicitly the date/time, review body and location of the public hearing. The public notices will be published in the North Kitsap Herald, posted at the City's public notice locations, sent to the E-notice mailing list and others who request such notice.

RECORDING OF MEETINGS

All public meetings and hearings will be audio recorded. Minutes and/or meeting summary for all public meetings will be prepared, and hard copies made available upon request.