

ORDINANCE NO. 12807

AN ORDINANCE providing regulations for the siting of Secure Community Transition Facilities as required by RCW 36.70A.200 by amending the development regulations for Thurston County, including the Thurston County Zoning Ordinance, Lacey UGA Zoning Ordinance, Olympia UGA Zoning Ordinance and Tumwater UGA Zoning Ordinance, amending Thurston County Code sections 20.03.040, 20.54.065, 20.54.070, 20.60.020, 20.60.030, Table 1 of Chapter 20.54, 21.66.020, 21.81.040, 21.81.060, 22.04.202, 22.56.260, Figure 22.56.260A, Figure 22.56.260B, 22.62.020, 22.62.030, 23.02.180, 23.04.060, Table 6.01 of Chapter 23.06, Table 8.01 of Chapter 23.08, 23.08.060, 23.72.040, 23.72.060; and adding new sections 21.06.300.5, 21.06.685, 21.66.060, 22.04.533, 22.56.242.

The Board of County Commissioners of Thurston County enters the following findings:

1. RCW 36.70A.200 requires each county, prior to September 1, 2002, to adopt development regulations necessary to provide for the siting of secure community transition facilities as defined in RCW 71.09.020 or face preemption.
2. The proposed amendments will meet the requirements of RCW 36.70A.200 by providing local regulations for the siting of secure community transition facilities.
3. Public hearings on the amendments have been held before the Thurston County Planning Commission and the Board of Thurston County Commissioners.
4. A determination of non-significance was issued for the changes contained in this ordinance on March 6, 2002.
5. Providing the proposed regulations for the siting of secure community transition facilities better serves the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Thurston County Commissioners, as follows:

Section 1. Section 20.03.040 of the Thurston County Code is hereby amended to read as follows:

20.03.040 Definitions.

...
122.5 "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established under Chapter 71.09 RCW and operated by the state or under contract with the state.
...

Section 2. Section 20.54.065(1)(b) of the Thurston County Code is hereby amended to read as follows:

20.54.065 Applications for essential public facilities.

...
b. Type 2. These are local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, ~~less restrictive alternative housing pursuant to chapter 71.09.09 RCW~~ Secure Community Transition Facilities, sewage treatment facilities, communication towers, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type 3 facilities.
...

Section 3. Section 20.54.070 of the Thurston County Code is hereby amended to read as follows:

20.54.070 Use -- Specific standards.

...
39.5. Secure Community Transition Facilities. The following requirements apply to Secure Community Transition Facilities
a. Occupancy. No more than three people, other than staff, shall occupy a Secure Community Transition Facility. However, if the state requires the county to accommodate additional committed sex offenders, the hearing examiner may authorize up to a total of six offenders in a Secure Community Transition Facility as necessary

to meet the state's minimum requirement. The request to allow increased occupancy shall be processed in accordance with the procedures of this chapter.

b. Separation from other uses. Secure Community Transition Facilities shall be separated from other uses as follows:

i. Secure Community Transition Facilities 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 listed below that is in existence at the time a site is applied for. For the purposes of this standard, within the line of sight means that it is possible to reasonably visually distinguish and recognize individuals. In evaluating alternative sites, great weight shall be given to sites that are the farthest removed from risk potential activities and facilities.

(A) Schools (public and private) and school sites owned by a school district or private school and planned for school development;

(B) Licensed pre-schools;

(C) Licensed child care homes and day care centers;

(D) Sports fields, playgrounds, and public parks;

(E) Churches, synagogues, temples, and mosques;

(F) Recreational and community centers;

(G) School bus stops;

(H) Public libraries; and

(I) Publicly dedicated trails.

ii. Sites proposed for a Secure Community Transition Facility shall not be located within 500 feet of a residence or a vacant residential lot. The hearing examiner may waive the 500-foot separation from residential lots if the applicant obtains development rights or easements that preclude the siting of a residence within 500 feet of the proposed Secure Community Transition Facility.

The distance specified above shall be measured from the proposed location of the dwelling in the Secure Community Transition Facility to the boundary of the applicable property. (Also see subsection h).

iii. The separation of Secure Community Transition Facilities from other uses specified in subsections (b)(i) and (ii) above may be reduced to the extent waterbodies, bluffs, freeways, or similar barrier effectively preclude access from the

proposed Secure Community Transition Facility to the uses identified in those subsections.

c. Preferred locations.

i. Where alternative sites are available for siting a Secure Community Transition Facility, preference shall be given to sites in the following districts, in descending order of priority: Long-Term Forestry District, Military Reservation, industrial districts, and commercial districts. Prior to approving a site in a lower priority district, the applicant must demonstrate that sites are not available in all of the higher priority districts, or that the proposed site would pose less of a public safety risk than alternative sites in the priority districts.

ii. Secure Community Transition Facilities shall not be located in a Rural Residential – 1 unit per 5 acres (RR 1/5) District or Rural Residential/Resource – 1 unit per five acres (RRR 1/5) District unless the hearing examiner determines that a proposed site in one of these districts would pose less of a public safety risk than alternative sites, or the applicant demonstrates that no site meeting the requirements contained in this Section (39.5) is available in other zoning districts.

iii. When considering and balancing siting criteria for Secure Community Transition Facilities, the greatest weight shall be given to public safety. The siting of Secure Community Transition Facilities shall take into account equitable distribution consistent with Chapter 71.09 RCW. However, the hearing examiner may approve a Secure Community Transition Facility in the vicinity of a similar use if s/he determines that it is in the public interest (such as in nonresidential districts where the facility would pose relatively low public safety risks and impact relatively few county residents) and is consistent with the provisions of this chapter.

d. Zoning overlay. An overlay zoning designation shall be applied to the area surrounding any approved Secure Community Transition Facility site which precludes the uses listed in subsection b(i) above within 1/4 mile of the approved site, except as provided for by subsection b(iii).

e. Staffing and security measures.

- i. As a condition of approval, the applicant shall be required to enter into a contract with the county specifying the Secure Community Transition Facility's staffing, security measures, escape search plan, and escape notification procedures.
- ii. The applicant shall submit as part of the application the staffing plan and a general security plan for the proposed Secure Community Transition Facility. The general security plan shall indicate the types of security measures/facilities proposed for the Secure Community Transition Facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. This plan shall be forwarded to the Thurston County Sheriff for review and recommendation to the hearing examiner. The security plan made part of the public record shall not be in such detail that security of the facility would be compromised.
- iii. The applicant shall submit as part of the application procedures for immediate public notification of escapes. This notification procedure shall be submitted to the Thurston County Sheriff for review and recommendation to the hearing examiner.
- iv. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The hearing examiner may waive or lessen this requirement if s/he determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
- v. The facility shall have a backup power source.
- vi. The staffing plan shall provide for a minimum staffing ratio of one staff per resident during waking hours (e.g., 7:00 a.m. to 11:00 p.m.) and two awake staff per three residents during normal sleeping hours (e.g., 11:01 p.m. to 6:59 a.m.).
- f. Landscaping. The applicant shall submit a landscaping plan that serves to maintain the character of the area without jeopardizing security, as determined by the hearing examiner.

- g. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- h. Reduction of standards.
 - i. In the event that it is not possible to site a facility in compliance with the standards above, the applicant may request that the hearing examiner reduce the 500-foot separation of Secure Community Transition Facilities from residences and residential lots required by subsection (b) above as necessary to enable siting of a Secure Community Transition Facility in the County. The burden shall be on the applicant to demonstrate that no site is available meeting the requirements of this chapter absent such a reduction.

The applicant shall identify the areas that would become available for siting the proposed facility through the proposed relaxation of the standard. The applicant shall provide evidence that the proposed site provides the greatest separation from the uses listed in subsection (b) above and the shortest law enforcement response time of the available alternative sites, or that it poses the least risk to public safety of the available sites.

Following a public hearing, the hearing examiner may reduce the standards in subsection (b) above to the minimum extent necessary to provide an opportunity for siting a Secure Community Transition Facility.

- ii. Requests for reduction in siting standards specified in subsection (b) above shall be processed per TCC 2.06. Notice of the request shall be given in the manner required by TCC 20.60.020(3).

...

Section 4. Table 1 of Chapter 20.54 Thurston County Code is hereby amended as provided in Attachment A.

Section 5. Section 20.60.020(3)(c) of the Thurston County Code is hereby amended to read as follows:

20.60.020 Application review procedures.

...

- c. Within nine calendar days after the application is deemed complete, the development services department shall mail out a notice of application in

the manner prescribed in Section 20.60.020(2)(d) above, except that the mailing radius from the project site shall be expanded for the following special use permit applications:

- i. One thousand four hundred-foot radius: airfields and landing strips, jails, juvenile detention facilities, junk yards--wrecking yards, work release facilities, and freestanding WCFs;
- ii. Two thousand six hundred-foot radius: composting facilities, feed lots, mineral extraction, petroleum products--processing/storage, plastics, paints, commercial chemicals—manufacture, prisons and prerelease facilities, Secure Community Transition Facilities, rifle, pistol and archery ranges, and solid waste disposal facilities.

...

Section 6. Section 20.60.030 of the Thurston County Code is hereby amended to read as follows:

20.60.030 Contents of application.

...

- 2. Type I and IV Applications. Each application for a Type I or IV action shall contain all of the information requested on the application form provided by Thurston County, including a single applicant contact to receive all determinations and notices, and submittal of applicable fees. An application for a wireless communication facility (WCF) shall also contain the applicable information required in Section 20.33.050. An application for conceptual approval of a planned community or master plan shall also contain the information required in Chapter 20.39. An application for a Secure Community Transition Facility shall also contain the applicable information required in Section 20.54.070(39.5).

...

Section 7. New Section 21.06.300.5 is hereby added to the Thurston County Code to read as follows:

21.06.300.5 Essential public facility.

“Essential public facility” means those public facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, solid waste handling facilities, Secure Community Transition Facilities, and inpatient facilities including substance abuse facilities, mental health facilities and group homes.

Section 8. New Section 21.06.685 is hereby added to the Thurston County Code to read as follows:

21.06.685 Secure community transition facility.

"Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established under Chapter 71.09 RCW and operated by the state or under contract with the state.

Section 9. Section 21.66.020 of the Thurston County Code is hereby amended to read as follows:

21.66.020 Permitted uses.

- ...
- A. Personal or community service facilities such as:
1. Nursery schools and preschools,
 2. Child day care centers when proposed in those districts specified in Chapter 21.65,
 3. Funeral parlors, mortuaries and crematoria,
 4. Senior citizen centers,
 5. Nursing homes, convalescent care facilities,
 6. Cemeteries, and
 7. ~~Less restrictive alternative housing pursuant to RCW 71.09.092~~ Secure Community Transition Facilities, subject to the standards in this chapter;
- ...

Section 10. New Section 21.66.060 is hereby added to the Thurston County Code to read as follows:

21.66.060 Use Specific Standards.

- A. Secure Community Transition Facilities. Secure Community Transition Facilities shall only be permitted in the Light Industrial District, subject to the following standards.
1. Occupancy. No more than three people, other than staff, shall occupy a Secure Community Transition Facility. However, if the state requires the county to accommodate additional committed sex offenders, the hearing examiner may authorize up to a total of six

offenders in a Secure Community Transition Facility as necessary to meet the state's minimum requirement. The request to allow increased occupancy shall be processed in accordance with the procedures of this chapter.

2. Separation from other uses. Secure Community Transition Facilities shall be separated from other uses as follows:

a. Secure Community Transition Facilities 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 listed below that is in existence at the time a site is applied for. For the purposes of this standard, within line of sight means that it is possible to reasonably visually distinguish and recognize individuals. In evaluating alternative sites, great weight shall be given to sites that are the farthest removed from risk potential activities and facilities.

- i. Schools (public and private) and school sites owned by a school district or private school and planned for school development;
- ii. Licensed pre-schools;
- iii. Licensed child care homes and day care centers;
- iv. Sports fields, playgrounds, and public parks;
- v. Churches, synagogues, temples, and mosques;
- vi. Recreational and community centers;
- vii. School bus stops;
- viii. Public libraries; and
- ix. Publicly dedicated trails.

b. Sites proposed for a Secure Community Transition Facility shall not be located within 500 feet of a residence or a vacant residential lot. The hearing examiner may waive the 500-foot separation from residential lots if the applicant obtains development rights or easements that preclude the siting of a residence within 500 feet of the proposed Secure Community Transition Facility.

The distance specified above shall be measured from the proposed location of the dwelling in the Secure Community Transition Facility to the boundary of the applicable property. (Also see Subsection A(8)).

c. The separation of Secure Community Transition Facilities from other uses specified in subsections 2(a) and (b) above may be reduced to the extent waterbodies, bluffs, freeways,

or similar barrier effectively preclude access from the proposed Secure Community Transition Facility to the uses identified in those subsections.

3. Preferred locations.
 - a. Where alternative sites are available for siting a Secure Community Transition Facility, preference shall be given to sites in the following districts, in descending order of priority: Long-Term Forestry District, Military Reservation (see Title 20), industrial districts, and commercial districts (see Title 20). Prior to approving a site in a lower priority district, the applicant must demonstrate that sites are not available in all of the higher priority districts, or that the proposed site would pose less of a public safety risk than alternative sites in the priority districts.
 - b. When considering and balancing siting criteria for Secure Community Transition Facilities, the greatest weight shall be given to public safety. The siting of Secure Community Transition Facilities shall take into account equitable distribution consistent with Chapter 71.09 RCW. However, the hearing examiner may approve a Secure Community Transition Facility in the vicinity of a similar use if s/he determines that it is in the public interest (such as in nonresidential districts where the facility would pose relatively low public safety risks and impact relatively few county residents) and is consistent with the provisions of this chapter.
4. Zoning overlay. An overlay zoning designation shall be applied to the area surrounding any approved Secure Community Transition Facility site which precludes the uses listed in subsection 2(a) above within 1/4 mile of the approved site, except as provided for by subsection 2(c).
5. Staffing and security measures.
 - a. As a condition of approval, the applicant shall be required to enter into a contract with the county specifying the Secure Community Transition Facility's staffing, security measures, escape search plan, and escape notification procedures.
 - b. The applicant shall submit as part of the application the staffing plan and a general security plan for the proposed Secure Community Transition Facility. The general security

plan shall indicate the types of security measures/facilities proposed for the Secure Community Transition Facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. This plan shall be forwarded to the Thurston County Sheriff for review and recommendation to the hearing examiner. The security plan made part of the public record shall not be in such detail that security of the facility would be compromised.

- c. The applicant shall submit as part of the application procedures for immediate public notification of escapes. This notification procedure shall be submitted to the Thurston County Sheriff for review and recommendation to the hearing examiner.
- d. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The hearing examiner may waive or lessen this requirement if s/he determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
- e. The facility shall have a backup power source.
- f. The staffing plan shall provide for a minimum staffing ratio of one staff per resident during waking hours (e.g., 7:00 a.m. to 11:00 p.m.) and two awake staff per three residents during normal sleeping hours (e.g., 11:01 p.m. to 6:59 a.m.).
- 6. Landscaping. The applicant shall submit a landscaping plan that serves to maintain the character of the area without jeopardizing security, as determined by the hearing examiner.
- 7. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- 8. Reduction of standards.

 - a. In the event that it is not possible to site a facility in compliance with the standards above, the applicant may

request that the hearing examiner reduce the 500-foot separation of Secure Community Transition Facilities from residences and residential lots required by subsection (2) above as necessary to enable siting of a Secure Community Transition Facility in the County. The burden shall be on the applicant to demonstrate that no site is available meeting the requirements of this chapter absent such a reduction.

The applicant shall identify the areas that would become available for siting the proposed facility through the proposed relaxation of the standard. The applicant shall provide evidence that the proposed site provides the greatest separation from the uses listed in subsection (2) above and the shortest law enforcement response time of the available alternative sites, or that it poses the least risk to public safety of the available sites.

Following a public hearing, the hearing examiner may reduce the standards in subsection (2) above to the minimum extent necessary to provide an opportunity for siting a Secure Community Transition Facility.

- b. Requests for reduction in siting standards specified in subsection (2) above shall be processed per TCC 2.06. Notice of the request shall be given in the manner required by TCC 21.81040(C).

Section 11. Section 21.81.040(C)(3) of the Thurston County Code is hereby amended to read as follows:

21.81.040 Application review procedures.

...

- 3. Within nine calendar days after the application is deemed complete, the development services department shall mail out a notice of application in the manner prescribed in Section 21.81.040B4 above, except that the mailing radius from the project site shall be expanded for the following special use permit applications:
 - a. One-thousand-four-hundred-foot radius: airports, landing strips and freestanding WCFs;
 - b. Two-thousand-six-hundred-foot radius: solid waste disposal facilities and Secure Community Transition Facilities.

...

Section 12. Section 21.81.060(B) of the Thurston County Code is hereby amended to read as follows:

21.81.060 Contents of application.

- ...
- B . Type I and IV Applications. Each application for a Type I or IV action shall contain all of the information requested on the application form provided by Thurston County, including a single applicant contact to receive all determinations and notices, and submittal of applicable fees. Additionally,
- ...
6. An application for a Secure Community Transition Facility shall also contain the applicable information required in Section 21.66.060.
- ...

Section 13. Section 22.04.202 of the Thurston County Code is hereby amended to read as follows:

22.04.202 Essential public facilities.

"Essential public facilities" means those public facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, solid waste handling facilities, ~~less restrictive alternative housing facilities pursuant to RCW 71.09.092,~~ Secure Community Transition Facilities, and inpatient facilities including substance abuse facilities, mental health facilities and group homes.

Section 14. New Section 22.04.533 is hereby added to the Thurston County Code to read as follows:

22.04.533 Secure Community Transition Facilities.

"Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established under Chapter 71.09 RCW and operated by the state or under contract with the state.

Section 15. New Section 22.56.242 is hereby added to the Thurston County Code to read as follows:

22.56.242 Secure Community Transition Facilities.

The following requirements apply to Secure Community Transition Facilities:

- A. Occupancy. No more than three people, other than staff, shall occupy a Secure Community Transition Facility. However, if the state requires the county to accommodate additional committed sex offenders, the hearing examiner may authorize up to a total of six offenders in a Secure Community Transition Facility as necessary to meet the state's minimum requirement. The request to allow increased occupancy shall be processed in accordance with the procedures of this chapter.

- B. Separation from other uses. Secure Community Transition Facilities shall be separated from other uses as follows:
 - 1. Secure Community Transition Facilities 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 listed below that is in existence at the time a site is applied for. For the purposes of this standard, within line of sight means that it is possible to reasonably visually distinguish and recognize individuals. In evaluating alternative sites, great weight shall be given to sites that are the farthest removed from risk potential activities and facilities.
 - a. Schools (public and private) and school sites owned by a school district or private school and planned for school development;
 - b. Licensed pre-schools;
 - c. Licensed child care homes and day care centers;
 - d. Sports fields, playgrounds, and public parks;
 - e. Churches, synagogues, temples, and mosques;
 - f. Recreational and community centers;
 - g. School bus stops;
 - h. Public libraries; and
 - i. Publicly dedicated trails.

 - 2. Sites proposed for a Secure Community Transition Facility shall not be located within five hundred feet of a residence or a vacant residential lot. The hearing examiner may waive the five hundred-foot separation from residential lots if the applicant obtains development rights or easements that

preclude the siting of a residence within 500 feet of the proposed Secure Community Transition Facility.

The distance specified above shall be measured from the proposed location of the dwelling in the Secure Community Transition Facility to the boundary of the applicable property. (Also see Subsection H.).

3. The separation of Secure Community Transition Facilities from other uses specified in Subsections B (1) and (2) above may be reduced to the extent waterbodies, bluffs, freeways, or similar barrier effectively preclude access from the proposed Secure Community Transition Facility to the uses identified in those subsections.

C. Preferred locations.

1. Where alternative sites are available for siting a Secure Community Transition Facility, preference shall be given to sites in the following districts, in descending order of priority: Long-Term Forestry District, Military Reservation (see Title 20), industrial districts, and commercial districts (see Title 20). Prior to approving a site in a lower priority district, the applicant must demonstrate that sites are not available in all of the higher priority districts, or that the proposed site would pose less of a public safety risk than alternative sites in the priority districts.
2. When considering and balancing siting criteria for Secure Community Transition Facilities, the greatest weight shall be given to public safety. The siting of Secure Community Transition Facilities shall take into account equitable distribution consistent with Chapter 71.09 RCW. However, the hearing examiner may approve a Secure Community Transition Facility in the vicinity of a similar use if s/he determines that it is in the public interest (such as in nonresidential districts where the facility would pose relatively low public safety risks and impact relatively few county residents) and is consistent with the provisions of this chapter.

- D. Zoning overlay. An overlay zoning designation shall be applied to the area surrounding any approved Secure Community Transition Facility site which precludes the uses listed in subsection B(1) above within 1/4 mile of the approved site, except as provided for by Subsection B(3).

E. Staffing and security measures.

1. As a condition of approval, the applicant shall be required to enter into a contract with the county specifying the Secure Community Transition Facility's staffing, security measures, escape search plan, and escape notification procedures.
2. The applicant shall submit as part of the application the staffing plan and a general security plan for the proposed Secure Community Transition Facility. The general security plan shall indicate the types of security measures/facilities proposed for the Secure Community Transition Facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. This plan shall be forwarded to the Thurston County Sheriff for review and recommendation to the hearing examiner. The security plan made part of the public record shall not be in such detail that security of the facility would be compromised.
3. The applicant shall submit as part of the application procedures for immediate public notification of escapes. This notification procedure shall be submitted to the Thurston County Sheriff for review and recommendation to the hearing examiner.
4. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The hearing examiner may waive or lessen this requirement if s/he determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
5. The facility shall have a backup power source.
6. The staffing plan shall provide for a minimum staffing ratio of one staff per resident during waking hours (e.g., 7:00 a.m. to 11:00 p.m.) and two awake staff per three residents during normal sleeping hours (e.g., 11:01 p.m. to 6:59 a.m.).

F. Landscaping. The applicant shall submit a landscaping plan that serves to maintain the character of the area without jeopardizing security, as determined by the hearing examiner.

G. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.

H. Reduction of standards.

1. In the event that it is not possible to site a facility in compliance with the standards above, the applicant may request that the hearing examiner reduce the five hundred-foot separation of Secure Community Transition Facilities from residences and residential lots required by subsection (B) above as necessary to enable siting of a Secure Community Transition Facility in the County. The burden shall be on the applicant to demonstrate that no site is available meeting the requirements of this chapter absent such a reduction.

The applicant shall identify the areas that would become available for siting the proposed facility through the proposed relaxation of the standard. The applicant shall provide evidence that the proposed site provides the greatest separation from the uses listed in subsection B above and the shortest law enforcement response time of the available alternative sites, or that it poses the least risk to public safety of the available sites.

Following a public hearing, the hearing examiner may reduce the standards in subsection B above to the minimum extent necessary to provide an opportunity for siting a Secure Community Transition Facility.

2. Requests for reduction in siting standards specified in Subsection B above shall be processed per TCC 2.06. Notice of the request shall be given in the manner required by TCC 22.62.020(C).

Section 16. Section 22.56.260 of the Thurston County Code is hereby amended to read as follows:

22.56.260 Essential public facilities siting process.

A. The following uses are considered essential public facilities and shall require a special use permit as indicated in each individual zone. Additionally, the siting process outlined in Section 22.56.260B shall be followed.

...

11. ~~Less restrictive alternative housing pursuant to RCW 71.09.092.~~
Secure Community Transition Facilities.

B. Essential public facilities identified as special uses in the zoning district shall be subject, at a minimum, to the following requirements:

1. Essential public facilities classified as follows:

...

b. Type Two. These are local or interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, sewage treatment facilities, emergency communication towers and antennae, Secure Community Transition Facilities, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). (Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type Three facilities.)

...

Section 17. Figure 22.56.260A of Chapter 22.56 Thurston County Code is hereby amended as provided in Attachment B.

Section 18. Figure 22.56.260B of Chapter 22.56 Thurston County Code is hereby amended as provided in Attachment C.

Section 19. Section 22.62.020(C)(3) of the Thurston County Code is hereby amended to read as follows:

22.62.020 Application review procedures.

...

3. Within nine calendar days after the application is deemed complete, the development services department shall mail out a notice of application in the manner prescribed in Section 22.62.020B4 above, except that the mailing radius from the project site shall be expanded for the following special use permit applications:

- a. One-thousand-four-hundred (1,400)-foot radius: jails, juvenile detention facilities, work release facilities, essential public facilities, and wireless communication facilities;
- b. Two-thousand-six-hundred (2,600)-foot radius: prisons and prerelease facilities; Secure Community Transition Facilities; and solid waste handling facilities.

...

Section 20. Section 22.62.030 of the Thurston County Code is hereby amended to read as follows:

22.62.030 Contents of application.

...

- B. Type I and IV Applications. Each application for a Type I or IV action shall contain all of the information requested on the application form provided by Thurston County, including a single applicant contact to receive all determinations and notices, and submittal of applicable fees. An application for a wireless communication facility (WCF) shall also contain the applicable information required in Section 22.33.050. An application for a sign permit shall include the information provided in Section 22.44.060. An application for a Secure Community Transition Facility shall also contain the applicable information required in Section 22.56.255.

...

Section 21. Section 23.02.180 of the Thurston County Code is hereby amended to read as follows:

23.02.180 Definitions.

...

“Essential public facilities” means public facilities and privately owned or operated facilities serving a public purpose which are typically difficult to site. They include, but are not limited to, airports; state educational facilities; state or regional transportation facilities; prisons, jails, and other correctional facilities; ~~less restrictive alternative housing pursuant to RCW 71.09.092~~ secure community transition facilities; solid waste handling facilities; inpatient facilities such as group homes and mental health facilities; sewage treatment facilities; and communication towers and antennas.

...

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure

community transition facilities include, but are not limited to, facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established under Chapter 71.09 RCW and operated by the state or under contract with the state.

Section 22. Section 23.04.060(23)(a)(ii) of the Thurston County Code is hereby amended to read as follows:

23.04.060 Residential districts' use standards.

...

- ii. Type Two: These are local or interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They include, but are not limited to, county jails, county landfills, community colleges, sewage treatment facilities, communication towers, Secure Community Transition Facilities, and group homes. (Note: Such facilities which would not have impacts beyond the jurisdiction's boundary would be Type Three facilities.)

...

Section 23. Table 6.01 of Chapter 23.06 Thurston County Code is hereby amended as provided in Attachment D.

Section 24. Table 8.01 of Chapter 23.08 Thurston County Code is hereby amended as provided in Attachment E.

Section 25. Section 23.08.060 of the Thurston County Code is hereby amended to read as follows:

23.08.060 Use standards, light industrial/commercial (LI/C) district.

...

E. Essential Public Facilities.

...

3. Secure Community Transition Facilities. The following requirements apply to Secure Community Transition Facilities.

a. Occupancy. No more than three people, other than staff, shall occupy a Secure Community Transition Facility. However, if the state requires the county to accommodate additional committed sex offenders, the hearing examiner may authorize up to a total of six offenders in a Secure Community Transition Facility as necessary to meet the state's minimum requirement. The request to allow increased occupancy shall be processed in accordance with the procedures of this chapter.

b. Separation from other uses. Secure Community Transition Facilities shall be separated from other uses as follows:

- i. Secure Community Transition Facilities 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 listed below that is in existence at the time a site is applied for. For the purposes of this standard, within line of sight means that it is possible to reasonably visually distinguish and recognize individuals. In evaluating alternative sites, great weight shall be given to sites that are the farthest removed from risk potential activities and facilities
 - (A) Schools (public and private) and school sites owned by a school district or private school and planned for school development;
 - (B) Licensed pre-schools;
 - (C) Licensed child care homes and day care centers;
 - (D) Sports fields, playgrounds, and public parks;
 - (E) Churches, synagogues, temples, and mosques;
 - (F) Recreational and community centers;
 - (G) School bus stops;
 - (H) Public libraries; and
 - (I) Publicly dedicated trails.

 - ii. Sites proposed for a Secure Community Transition Facility shall not be located within five hundred feet of a residence or a vacant residential lot. The hearing examiner may waive the five hundred-foot separation from residential lots if the applicant obtains development rights or easements that preclude the siting of a residence within five hundred feet of the proposed Secure Community Transition Facility.

The distance specified above shall be measured from the proposed location of the dwelling in the Secure Community Transition Facility to the boundary of the applicable property. (Also see subsection 3(h)).

 - iii. The separation of Secure Community Transition Facilities from other uses specified in subsections (3)(b)(i) and (ii) above may be reduced to the extent waterbodies, bluffs, freeways, or similar barrier effectively preclude access from the proposed Secure Community Transition Facility to the uses identified in those subsections.
- c. Preferred locations.
- i. Where alternative sites are available for siting a Secure Community Transition Facility, preference shall be given to

sites in the following districts, in descending order of priority: Long-Term Forestry District, Military Reservation (see Title 20), industrial districts, and commercial districts (see Title 20). Prior to approving a site in a lower priority district, the applicant must demonstrate that sites are not available in all of the higher priority districts, or that the proposed site would pose less of a public safety risk than alternative sites in the priority districts.

ii. When considering and balancing siting criteria for Secure Community Transition Facilities, the greatest weight shall be given to public safety. The siting of Secure Community Transition Facilities shall take into account equitable distribution consistent with Chapter 71.09 RCW. However, the hearing examiner may approve a Secure Community Transition Facility in the vicinity of a similar use if s/he determines that it is in the public interest (such as in nonresidential districts where the facility would pose relatively low public safety risks and impact relatively few county residents) and is consistent with the provisions of this chapter.

d. Zoning overlay. An overlay zoning designation shall be applied to the area surrounding any approved Secure Community Transition Facility site which precludes the uses listed in subsection 3(b)(i) above within 1/4 mile of the approved site, except as provided for by Subsection 3(b)(iii).

e. Staffing and security measures.

i. As a condition of approval, the applicant shall be required to enter into a contract with the county specifying the Secure Community Transition Facility's staffing, security measures, escape search plan, and escape notification procedures.

ii. The applicant shall submit as part of the application the staffing plan and a general security plan for the proposed Secure Community Transition Facility. The general security plan shall indicate the types of security measures/facilities proposed for the Secure Community Transition Facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. This plan shall be forwarded to the Thurston County Sheriff for review and recommendation to the hearing examiner. The security plan made part of the

public record shall not be in such detail that security of the facility would be compromised.

- iii. The applicant shall submit as part of the application procedures for immediate public notification of escapes. This notification procedure shall be submitted to the Thurston County Sheriff for review and recommendation to the hearing examiner.
- iv. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The hearing examiner may waive or lessen this requirement if s/he determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
- v. The facility shall have a backup power source.
- vi. The staffing plan shall provide for a minimum staffing ratio of one staff per resident during waking hours (e.g., 7:00 a.m. to 11:00 p.m.) and two awake staff per three residents during normal sleeping hours (e.g., 11:01 p.m. to 6:59 a.m.).
- f. Landscaping. The applicant shall submit a landscaping plan that serves to maintain the character of the area without jeopardizing security, as determined by the hearing examiner.
- g. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- h. Reduction of standards.
 - i. In the event that it is not possible to site a facility in compliance with the standards above, the applicant may request that the hearing examiner reduce the five hundred-foot separation of Secure Community Transition Facilities from residences and residential lots required by subsection (b) above as necessary to enable siting of a Secure Community Transition Facility in the County. The burden shall be on the applicant to demonstrate that no site is available meeting the requirements of this chapter absent such a reduction.

The applicant shall identify the areas that would become available for siting the proposed facility through the proposed relaxation of the standard. The applicant shall provide evidence that the proposed site provides the greatest separation from the uses listed in subsection 3(b) above and the shortest law enforcement response time of the available alternative sites, or that it poses the least risk to public safety of the available sites.

Following a public hearing, the hearing examiner may reduce the standards in subsection 3(b) above to the minimum extent necessary to provide an opportunity for siting a Secure Community Transition Facility.

- ii. Requests for reduction in siting standards specified in subsection 3(b) above shall be processed per TCC 2.06. Notice of the request shall be given in the manner required by TCC 23.72.040(C).

Section 26. Section 23.72.040(C)(3) of the Thurston County Code is hereby amended to read as follows:

23.72.040 Application review procedures.

...

- 3. Within nine calendar days after the application is deemed complete, the development services department shall mail out a notice of application in the manner prescribed in Section 23.72.040B4 above, except that the mailing radius from the project site shall be expanded for the following special use permit applications:
 - a. One-thousand-four-hundred (1,400)-foot radius: airports and landing strips, jails, juvenile detention facilities, junk yards--wrecking yards, work release facilities and wireless communication facilities;
 - b. Two-thousand-six-hundred (2,600)-foot radius: composting facilities, feed lots, mineral extraction, petroleum products--processing/storage, plastics, paints, commercial chemicals--manufacture, prisons and prerelease facilities, Secure Community Transition Facilities, rifle, pistol and archery ranges--outdoor and solid waste disposal facilities.

...

Section 27. Section 23.72.060(B) of the Thurston County Code is hereby amended to read as follows:

23.72.060 Contents of application.

...

6. An application for a Secure Community Transition Facility shall also contain the applicable information required in 23.08.060(E)(3).

...

Section 28. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person is, for any reason, declared invalid, illegal or unconstitutional, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 29. Effectiveness. This Ordinance shall take effect on adoption.

ADOPTED: _____.

COMMISSIONERS
ATTEST:

BOARD OF COUNTY

Thurston County, Washington

Clerk of the Board

Chairman

APPROVED AS TO FORM:
EDWARD G. HOLM
PROSECUTING ATTORNEY

Commissioner

By: _____
Jeffrey G. Fancher
Deputy Prosecuting Attorney

Commissioner