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ORDINANCE NO. 309

AN ORDINANCE AMENDING THE DEVELOPMENT CODE CHAPTERS 20.20.046, 20.30.060, 20.40.140, AND 20.40.505 TO DEFINE AND REGULATE SECURE COMMUNITY RESIDENTIAL FACILITIES IN ACCORDANCE WITH ENGROSSED SUBSTITUTE SENATE BILL 6594

WHEREAS, the City adopted Title 20 in the Shoreline Municipal Code on June 12, 2000;
and

WHEREAS, a notice of public hearing and the availability of the proposed amendments for review and public comment was published in the legal section of the Seattle Times on June 26, 2002; and

WHEREAS, a SEPA Determination of Nonsignificance (DNS) was issued on June 25, 2002 and the comment period ended on July 10, 2002; and

WHEREAS, the a copy of the proposed amendments to Title 20 were submitted to the Washington State Office of Community Development on June 26, 2002 pursuant to WAC 365-195-820;

WHEREAS, the Planning Commission conducted a public hearing on July 18, 2002 to consider public comments on the amendments proposed to Title 20 of the Shoreline Municipal Code Chapters 20.20.046, 20.30.060, 20.40.140, and 20.40.505 to define and regulate Secure Community Treatment Facilities;

WHEREAS, the Planning Commission forwarded a recommendation to City Council to adopt regulations to address the siting of Secure Community Treatment Facilities on July 18, 2002; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council is adopting the proposed amendments prior to September 1, 2002 to comply with Engrossed Substitute Senate Bill 6594 which requires local governments to adopt regulations to provide for the siting of Secure Community Transitional Facilities or be preempted by the State Department of Social and Human Services siting guidelines.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

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Section 1. Amendment. Shoreline Municipal Code 20.20.044 R Definitions is amended to add:

Risk potential activity or risk potential facility In accordance with 71.09.020, means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and other activities and facilities identified by the State Department of Social and Health Services following the hearings on a potential site required in RCW 71.09.315. School Bus stops do not include bus stops primarily used for public transit.

Section 2. Amendment. Shoreline Municipal Code 20.20.046 S Definitions is amended to add:

Secure Community Transitional Facility (SCTF) A residential facility for persons civilly committed and conditionally released to a less restrictive community based - alternative under RCW 71.09 operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services.

Section 3. Amendment. Shoreline Municipal Code Table Procedures and Administration Subchapter 1 General Provisions Quasi Judicial Decisions – Type C Table 20.30.060 is amended to add:

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

| Action | Notice Requirements for Application and Decision (5)(6) | Review Authority, Open Record Public Hearing (1) | Decision Making Authority (Public Meeting) | Target Time Limits for Decisions | Section |
|-----------------------------------|---|--|--|----------------------------------|------------------|
| Type C | | | | | |
| <u>7. SCTF-Special Use Permit</u> | <u>Mail, Post Site, Newspaper(7)</u> | <u>PC(3)</u> | <u>City Council</u> | <u>120 days</u> | <u>20.40.505</u> |

- (1) Including consolidated SEPA Threshold determination appeal.
- (2) The rezone must be consistent with the adopted Comprehensive Plan.
- (3) PC = Planning Commission
- (4) HE = Hearing Examiner
- (5) Notice of application requirements are specified in SMC 20.30.120.
- (6) Notice of decision requirements are specified in SMC 20.30.150.
- (7) Notice of application shall be mailed to residents and property owners within one half mile of the proposed site.

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Section 4. Amendment. Shoreline Municipal Code Zoning and Use Provisions Subchapter 2. Permitted Uses Other Uses Table 20.40.140 is amended to add:

20.40.140 Other uses.

| NAICS# | Specific use | R4- R6 | R8- R12 | R18- R48 | NB & O | CB & NCBD | RB & I |
|-----------------|---|-----------|------------|-------------|-----------|--------------|--------------------|
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| | <u>Secure Community Transition Facility</u> | | | | | | <u>SCTFS</u> -i |

| | |
|--|--|
| P= Permitted | S= Special Use |
| C= Conditional use | -i= Indexed Supplemental Criteria |
| SCTFS= Secure Community Transitional Facility Special Use | |

Section 5. Amendment. Shoreline Municipal Code Zoning and Use Provisions Subchapter 3. Index of Supplemental Use Criteria section 20.40.505 is added as follows:

-S-

20.40.505 Secure Community Transitional Facility.

A. Permitted as a SCTF Special Use- Type C action, granted by the City Council in the Regional Business and Industrial zones provided:

1. The maximum number of residents in a SCTF shall be three (3) persons, excluding resident staff, and
2. SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
3. In addition to meeting the noticing requirements specified in SMC 20.30.120, noticing for SCTF Special Use Permit applications also includes mailing the notice of application to both residents and owners of real property located within one half mile of the site.
4. In no case shall a SCTF be sited adjacent to, immediately across a street or parking lot from, or within 600 feet of unobstructed sight distance or 200 feet of risk potential activities or facilities as defined in this title in existence at the time a site is listed for consideration: provided, the 200 foot criteria shall not apply if the State Department of Social and Health Services determines it is not needed to protect public safety.

The distances specified in this subsection shall be measured by following a straight line from the nearest point of the building in which the SCTF is to be located, to the nearest point of the property line of the lot occupied by the risk potential activity or facility.

5. Each SCTF shall provide on-site dining, on site laundry or laundry service, and on-site recreation to serve the residents.
6. Applicants shall submit the following items in addition to the standard permit application:
 - a. The siting process used for the SCTF, including alternative locations considered.

- b. An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no undue impact on any one racial, cultural, or socioeconomic group, and that there will not be an over concentration of similar facilities in the City or a particular neighborhood.
- c. Proposed mitigation measures including the uses of extensive buffering from adjoining uses.
- d. Demonstration of an approved Interlocal Agreement between DSHS and the City of Shoreline regarding security and operational procedures.
- e. A schedule and analysis of all public input solicited or to be solicited during the siting process.

B. Decision Criteria. A Secure Community Transitional Facility Special Use Permit shall be granted by the City, only if the applicant demonstrates that:

1. The Secure Community Transitional Facility will not materially endanger the health, safety and welfare of the community;
2. The siting of a SCTF shall not create an over concentration within the City of Shoreline, a particular neighborhood, or community of such uses as defined by RCW 71.09, work release facilities, pre release facilities or similar facilities including Level 1, 2, and 3 registered sex offender housing.
3. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the essential public facility shall not hinder or discourage the appropriate development or use of neighboring properties; and
4. The essential public facility will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas or conditions can be established to mitigate adverse impacts.

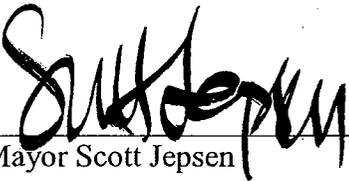
Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this regulation, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this regulation be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance or a summary consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days

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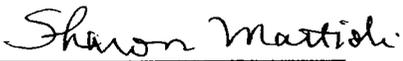
after the date of publication.

PASSED BY THE CITY COUNCIL ON AUGUST 26, 2002.



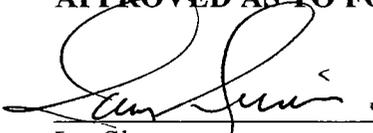
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: August 29, 2002
Effective Date: September 3, 2002