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Title: AN ORDINANCE relating to zoning; revising the definition for community residential facility, establishing a new land use definition for secure community transition facilities and specifying where these facilities can locate in King County; making technical corrections; amending Ordinance 10870, Section 84, and K.C.C. 21A.06.220, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 and Ordinance 10870, Section 625, as amended, and K.C.C. 21A.44.040 and adding a new section to K.C.C. chapter 21A.06.

Sponsors: Dwight Pelz, Dow Constantine

Indexes: Correctional Facilities, Land Use, Zoning

Code sections: 21A.06.220 -, 21A.08.100 -, 21A.44.040 -

Attachments: 1. 2002-0373 Checklist.doc, 2. 2002-0373 Determination of Nonsignificance.pdf, 3. 2002-0373 Fiscal Note - Amendments to King County Code.doc, 4. 2002-0373 Fiscal Note.doc, 5. 2002-0373 Letter from Office of Regional Policy and Planning.pdf, 6. 2002-0373 Notice of Intent.doc, 7. 2002-0373 Regulatory note.doc, 8. Notice of Hearing.pdf, 9. Summary of Proposed Secure Community Transition Facility Ordinance.doc

Date	Ver.	Action By	Action	Result
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8/26/2002	1	Metropolitan King County Council	Introduced and Referred	
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AN ORDINANCE relating to zoning; revising the definition for community residential facility, establishing a new land use definition for secure community transition facilities and specifying where these facilities can locate in King County; making technical corrections; amending Ordinance 10870, Section 84, and K.C.C. 21A.06.220, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 and Ordinance 10870, Section 625, as amended, and K.C.C. 21A.44.040 and adding a new section to K.C.C. chapter 21A.06.

PREAMBLE

In accordance with RCW 36.70A.200 and chapter 71.09 RCW, King County must have in place

a process and regulations that do not preclude the siting of a secure community transition facility or be at risk for preemption of regulations and policies by the state of Washington Department of Social and Health Services, effective October 1, 2002. King County finds that a secure community transition facility would be best located in a remote location.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 84, and K.C.C. 21A.06.220 are each hereby amended to read as follows:

Community residential facility ("CRF"). Community residential facility ("CRF"): living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification, which is classified in K.C.C. 21A.08.050 as health services, and excluding a secure community transition facility as defined in R.C.W. 71.09.020 and in this chapter. CRFs are further classified as follows:

- A. CRF-I -- Nine to ten residents and staff;
- B. CRF-II -- Eleven or more residents and staff.

If staffed by nonresident staff, each twenty-four staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. 21A.06 a new section to read as follows:

Secure community transition facility ("SCTF"). Secure community transition facility (SCTF): A facility for persons civilly committed and conditionally released to a less restrictive alternative in accordance with 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.

SECTION 3. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

A. Regional land uses.

KEY	RES	RE	CON
P-Permitted Use	A	F	M
C-Conditional Use	C	C	I
S-Special Use	Z	F	R
	O	I	E
	N	C	S
	E	U	T
	L	L	I
	T		T
	U		I
	F		A
	E		C
			I

SIC#	SPECIFIC LAND USE	A	F	M	C <th>C</th> <th>I</th> <th>(15)</th>	C	I	(15)
*	Jail							S S S S S
*	Jail Farm/Camp		S	S				
*	Work Release Facility							S S S S S
*	Public Agency Animal Control Facility		S	S				S P
*	Public Agency Training Facility		S					S C 4
*	Hydroelectric Generation Facility		C		C			
*	Non-hydroelectric Generation Facility		C	C	C	C	C	P 12 S
			1					
			2					
			S					
*	Communication Facility (17)		C	P		C	C	I P
			6					
			c					
			S					
*	Earth Station		P	P		C	C	F I P
			6					
			b					
			C					
13	Oil and Gas Extraction		S	C		S	S	S S C
*	Energy Resource Recovery Facility		S		S	S	S	S S
*	Soil Recycling Facility		S					C
*	Landfill		S		S	S	S	S S
*	Transfer Station				S	S	S	S P

11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
12. Limited to cogeneration facilities for on-site use only.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
 - a. Any new diversion structure shall not:
 - (1) exceed a height of eight feet as measured from the streambed; or
 - (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) right-of-way of five miles or less; and
 - (2) capacity of two hundred thirty KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.
15. For I-zoned sites located outside the urban growth area designated by the King County

Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100A, except for waste water treatment facilities, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities minor

communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.26.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Limited to sites that comply with the following:

a. do not require or result in an expansion of sewer service outside the urban growth area.

b. abut or access a public street functioning as an arterial as determined by the King County

Department of Transportation.

c. contiguous to a site developed for use by a public agency.

d. comply with all state regulations regarding the siting of a secure community transition facility as specified in chapter 71.09 RCW.

SECTION 4. Ordinance 10870, Section 625, as amended, and K.C.C. 21A.44.040 are each hereby amended to read as follows:

Conditional use permit.

A. A conditional use permit shall be granted by the county, only if the applicant demonstrates that:

~~((A-))~~ 1. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;

~~((B.))~~ 2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

~~((C.))~~ 3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

~~((D.))~~ 4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

~~((E.))~~ 5. The conditional use is not in conflict with the health and safety of the community;

~~((F.))~~ 6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

~~((G.))~~ 7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

B. For siting secure community transition facilities, as defined in chapter 21A.06, a conditional use permit shall be granted by the county only if the applicant also demonstrates that:

1. The facility meets the definition of secure community transition facilities;

2. The secure community transition facilities and the operator of the secure community transition facilities have received all necessary permits or approvals from the state of Washington Department of Social and Health Services; and

3. The state of Washington Department of Social and Health Services has reviewed the proposed location of the secure community transition facilities with office of the King County sheriff.

Official paper 30 days prior