

ORDINANCE NO. 1186

CITY OF LACEY

AN ORDINANCE RELATING TO THE SITING OF ANY PROPOSED SECURE COMMUNITY TRANSITION FACILITY, AMENDING SECTION 16.66.020 AND ADDING A NEW SECTION 16.66.055 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the Washington State Legislature, in response to a Federal Court Order has required certain counties and cities, including Thurston County and the Cities within Thurston County to adopt regulations for the siting of secure Community Transition Facilities for housing certain types of sexual predators, and

WHEREAS, it is the intent of the City Council to adopt regulations in an attempt to protect it's residents while at the same time complying with the requirements of the State statute by amending and adopting new sections to Chapter 16.66 of the Lacey Municipal Code dealing with the siting and permitting of special uses,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 16.66.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.66.020 Permitted uses.** Specific types permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the city, are categorized and identified as follows:

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 16.65,
3. Funeral parlors, mortuaries and crematoria, provided these are permitted uses in the cemetery zone,
4. Senior citizen centers,
5. Nursing homes, convalescent care facilities, and
6. Cemeteries; provided once a cemetery is approved the property shall be designated as cemetery on the city's zoning map.

B. Places of public assembly, including:

1. Churches (or other places of worship),
2. Sports arenas or stadiums,
3. Fraternal organizations and lodges, and
4. Private clubs;

C. Public utilities and their appurtenances, such as:

1. Electrical substations,
2. Pumping, lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks for any of the above, including water towers,
3. Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills, and
4. Radio, television or telephone stations; commercial wireless communication facilities are subject to the requirements as specified in Chapter 16.68.

D. Public safety and emergency response facilities, including:

1. Police stations,
2. Fire stations,
3. Emergency medical centers, and
4. Hospitals;

E. Public and private transport/ maintenance facilities, including:

1. Airports, landing strips, heliports or helipads, including waterborne craft,
2. Marinas, docks, piers, or breakwater devices, regardless of size or purpose,
3. Railroad terminals, switching facilities, maintenance or repair shops, and spurs,
4. Bus terminals, storage or maintenance facilities,
5. Automobile parking facilities or structures other than those specifically required in Chapter 16.72 in connection with permitted uses,
6. Corporation yards;

F. Sexual offender secure community transition facilities as defined in RCW 71.09.020, which facilities are mandated by the State of Washington pursuant to RCW Chapter 71.09. The siting of such facilities shall be subject to the conditions identified in this Chapter.

F.G. Uses which are similar or related to those uses described in subsections 16.66.020(A-E).

Section 2. There is hereby added to the Lacey Municipal Code a new section, 16.66.055, to read as follows:

**16.66.055 Standards for Sexual Offender Secure Community Transition Facilities.**

A. In addition to standards identified in sections 16.66.040 and 16.66.050 sexual offender secure community transition facility system shall meet such additional standards as are designed to mitigate the unique concerns of this use and are consistent with the requirements of State Law.

B. No sexual offender secure community transition facility shall have more than three beds to be utilized by sexual offenders. No such facility shall, at any time, have a population of sexual offenders exceeding three.

C. This use can be considered for location only in the Light Industrial Zone, provided a site meets all other location requirements of this chapter.

D. No sexual offender secure community transition facility shall be located within one quarter of a mile of another such secure community transition facility and a proposal for siting shall be in compliance with the requirements of state law regarding equitable distribution of such facilities.

E. The location of a sexual offender secure community transition facility shall not be adjacent to, immediately across a street or parking lot from, or within the line of sight of any risk potential activity or facility. "Risk Potential Activity" or "Risk Potential Facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center for sexual offenders. Risk potential activities and facilities shall include but not be limited to:

1. Existing public and private schools and existing sites designated as Open Space Institutional by the City specifically for school sites, and designated by the North Thurston Public School District as a school site by the District's comprehensive Plan;

2. School bus stops;

3. Licensed day care and licensed preschool activities;

4. Public parks, publicly dedicated trails, sports fields and playgrounds;

5. Recreation and community centers;

6. Churches, synagogues, temples, and mosques;

7. Public libraries;

8. Any other risk potential activity or risk potential facility identified by subsequent amendment to state statute, by the Washington State Department of Social and Health Services pursuant to its hearing process mandated by RCW 71.09.315 or in the decision of the Hearings Examiner or City Council granting or denying a special use permit for the siting of a sexual offenders secure community transition facility.

F. Unless otherwise ordered by a court of competent jurisdiction, all residents of a sexual offender secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are technically available, such devices shall be used. Such devices shall be part of a secure GPS system approved by the Department of Social and Health Services that cannot be removed by the resident. The GPS system shall be capable of locating the resident wherever the resident goes. Such system shall be the best technology available and equipment to monitor the GPS devices shall be provided to the Lacey Police Department, or its designee for monitoring purposes.

G. If such a facility is sited within the City of Lacey, the Department of Social and Health Services shall provide for training, information, coordination and capital costs of the Lacey Police Department and shall further fund the need for increased police protection, monitoring and incident response to the facility, all as provided or allowed by state law.

H. Landscaping of the facility shall provide an aesthetically attractive presentation for the zone in which it is located. The landscaping plan shall pay particular attention to mitigation of lighting impacts to adjacent properties as a result of requirements of sub-section K below. Landscaping shall comply with the crime prevention through environmental design techniques requirements. Additionally, the requirements of chapter 16.80 shall apply to any facility in the same manner as applied to other developments located within the Light Industrial Zone.

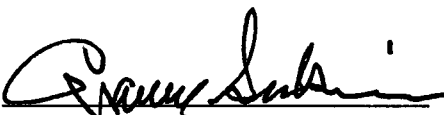
I. Design of the structure and site shall create an aesthetically attractive building and site which is compatible with and enhances the character of the zone in which it is located. Such design shall be subject to the design review process and principles set forth in LMC chapter 14.23.

J. An on-premises exterior lighting plan shall be presented to and approved by the Department of Public Works and the Police Department of the City as part of the design review process and prior to the operation of the facility. The plan shall utilize the principles of the crime prevention through environmental design techniques requirements to provide easy visibility of the site from the street and shall avoid spillage of light onto adjacent properties. All parking areas and premise entries shall be illuminated from dusk till dawn with a lighting system which provides an average maintained horizontal illumination of one foot candle of light, or such lesser amount as shall be approved by such reviewing departments.

Section 3. The summary attached hereto is hereby approved for publication.

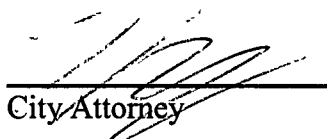
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 29TH day of AUGUST, 2002.

CITY COUNCIL

BY:   
Mayor

Approved as to form:

Attest:

  
City Attorney

  
Deputy City Clerk

Published: SEPTEMBER 2, 2002

SUMMARY FOR PUBLICATION

ORDINANCE 1186

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on AUGUST 29, 2002, Ordinance No. 1186, entitled "AN ORDINANCE RELATING TO THE SITING OF ANY PROPOSED SECURE COMMUNITY TRANSITION FACILITY, AMENDING SECTION 16.66.020 AND ADDING A NEW SECTION 16.66.055 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are as follows:

1. The Ordinance is enacted pursuant to the requirements set forth by the State Legislature in response to a Federal Court Order, in order to provide the regulations and conditions under which a sexual offender secure community transition facility could be located in the City.
2. These regulations are enacted by amending the City's zoning regulations for special uses. Section 16.66.020 of the Lacey Municipal code is amended to list sexual offender secure community transition facilities as a special use subject to both the provisions of state statute and the requirements of the Lacey Municipal Code.
3. The Ordinance then adds a section, 16.66.055 to the code chapter on special uses to set forth the conditions under which the proposed siting of such a facility would be evaluated and, if permitted, the conditions under which it must be constructed and operated. The provisions of this section do not set forth all of the restrictive provisions of state law, however, it is designed to tailor the restrictions of state law to the special needs of the City and its residents without violating a mandate that such regulations cannot be more restrictive than the provisions of state statute.
4. Section 3 of the Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: SEPTEMBER 2, 2002