

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 363

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE
RELATING TO SECURE COMMUNITY TRANSITION FACILITIES,
PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the City of Burien desires to implement Engrossed Substitute Senate Bill 6594 that incorporates the recommendations of the joint select committee on the equitable distribution of secure community transition facilities; and

WHEREAS, the City of Burien desires to implement RCW 36.70A.200 related to essential public facilities by recognizing the City's obligation to make provision for such facilities while regulating the location of secure community transition facilities so as to allow them in a manner intended to mitigate the potential impacts of such facilities and provide for the proper and safe operation of such facilities; and

WHEREAS, the City of Burien desires to implement RCW 71.09.285, which requires the City to consider the policy guidelines adopted by Department of Social and Health Services when providing for siting of secure community transition facilities; and

WHEREAS, the City of Burien has reviewed the siting criteria and has determined that there are potential sites in the City which meet the siting criteria; and

WHEREAS, the City Council has received recommendations from the Planning Commission and the General Government Committee regarding proposed amendments to the Zoning Code relating to secure community transition facilities; and

WHEREAS, the Planning Commission held a public hearing on June 25, 2002 to receive citizens' comments on the proposed amendments; and

WHEREAS, the City Council held a public hearing on August 5, 2002, to receive citizens' comments on the proposed amendments.

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

Section 1: Amendments to BMC Chapter 19.10, BMC Chapter 19.15 and BMC Chapter 19.17.
The City Council of the City of Burien hereby amends BMC 19.10, BMC 19.15 and BMC 19.17 to add and amend the sections attached as Exhibit A and incorporated by this reference as if fully set forth herein.

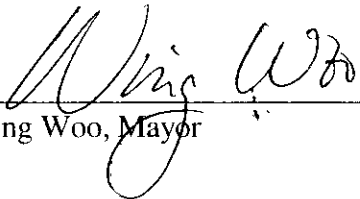
Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19TH DAY OF AUGUST, 2002, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 19TH DAY OF AUGUST, 2002.

CITY OF BURIEN



Wing Woo, Mayor

ATTEST/AUTHENTICATED:



Jan Hubbard, City Clerk

Approved as to form:



Lisa Marshall, City Attorney

Filed with the City Clerk: August 8, 2002
Passed by the City Council: August 19, 2002
Ordinance No. 363
Date of Publication: August 22, 2002

Ordinance 363--Exhibit A

New Definition:

19.10.479 Secure community transition facility -- A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under RCW 71.09. 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 the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under RCW 71.09 and operated by or under contract with the Washington State Dept. of Social and Health Services.

New Zoning Code Section:

19.17.110 Secure Community Transition Facilities

1. Purpose and intent. The purpose and intent of requiring standards for *secure community transition facilities (SCTFs)* is to comply with RCW 71.09 while maintaining compatibility with other land uses and services permitted within the city.
2. Applicability. The standards in this section apply to all *SCTFs* proposed and approved pursuant to BMC 19.15 and are not subject to a variance.
3. Maximum number of residents: No *SCTF* shall house more than 3 persons, excluding resident staff.
4. Siting Criteria:
 - A. *SCTFs* shall locate in an Industrial zone. *SCTFs* can also locate in the area between 8th Avenue So., Des Moines Memorial Dr. and So. 138th St., if and when the area is rezoned to an Industrial or business park zone.
 - B. *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
 - C. No *SCTF* shall be allowed within the following distances from the following specified *uses*, areas or zones, whether such *uses*, areas or zones are located within or outside the City limits:
 - i. Within 330 feet of any *residential zone*;
 - ii. *Adjoining*, immediately across a *street* or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended.
 - iii. Within one mile from any existing *SCTF*, work release, prerelease, or similar facilities as defined in RCW 71.09.250(8) and (9).

D. The distances specified in subparagraph C of 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 zoning boundary line or *property line* of the *lot* on which the use from which the proposed *SCTF* is to be separated is located.

5. On-Site Facilities Required: Each *SCTF* shall provide *on-site* dining, *on-site* laundry or laundry service, and *on-site* recreation facilities to serve the residents.

6. Application Materials: In addition to the regular application materials required for a Land Use Review pursuant to BMC 19.65.030.2, an application for an *SCTF* shall also include:

A. The siting process used for the *SCTF*, including alternative locations considered.

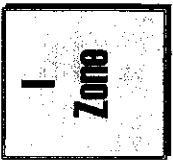
B. An analysis showing that utmost consideration was given to potential *sites* such that siting of the facility will have no undue impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.

C. Proposed mitigation measures including the use of extensive buffering from *adjoining uses*.

D. A general overview of planned security for the facility.

E. A schedule and analysis of all public input solicited or to be solicited during the siting process.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

 ↑ REGULATIONS USE ↓	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.050.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
		SETBACKS		Lot Area	Interior Setback	Building Coverage	Impervious Surface Coverage			Building Height
		Front Setback	Lot Coverage							

19.15.050.18 Off-site hazardous waste treatment and storage facility	Type 3	None	50'	50'	70%	75%	35'	D Also see Spec. Reg. 1	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. The outer 25 feet of the setback must be landscaped with Type I landscaping (as described in the <i>Interim Zoning Code</i>). 2. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
19.15.050.19 Personal Wireless Service Facility ⁽¹⁾	See Chapter 19.50									
19.15.050.20 Adult Entertainment Facility ⁽²⁾	None	None	25'	0'	70%	75%	35'	C	See Sec. 19.20.030.2	1. See Sec. 19.17.030 for additional requirements.
19.15.050.21 Secure Community Transition Facility	Type 3	See Section 19.17.110								

(1) Amended, Ord. 265, 1999
 Note: All landscape categories added by Ord. 293, 2000
 (2) Amended, Ord. 291, 2000