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ORDINANCE NO. 2345

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING THE LAND USE CODE TO PROVIDE PROCEDURES AND ZONING FOR THE SITING OF ESSENTIAL PUBLIC FACILITIES, INCLUDING SECURE COMMUNITY TRANSITION FACILITIES.

WHEREAS, 3ESSB 6151 and ESSB 6594 were adopted by the Legislature to provide a means for the state to establish and site Secure Community Transition Facilities (SCTF) for the housing of persons conditionally released from the state's special commitment center for sexual predators; and

WHEREAS, ESSB 6594 provides that cities can either provide their own siting process or have their local regulations preempted by the state; and

WHEREAS, the Planning Policy Commission held a public hearing on April 11, 2002 to consider SCTF regulations; and

WHEREAS, the Issaquah City Council has decided to retain as much local control over the SCTF siting process as is allowed under 3ESSB 6151 and ESSB 6594; and

WHEREAS, this ordinance is intended to comply with the requirements of 3ESSB 6151 and ESSB 6594, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Definition sections 18.02.060, 18.02.080, 18.02.200, and 18.02.210 of the Issaquah Municipal Code are hereby amended to add definitions for the terms "facility,

correctional,” “facility, essential public,” “facility, secure community transition,” “risk potential activities/facilities,” “screening, opaque,” and “sight distance,” which definitions shall read as set forth in Attachment A1, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Tables 18.04.100-1 and 18.04.100-2 of the Issaquah Municipal Code, respectively entitled “Development Review Process and Procedures Matrix” and “Levels of Review,” are hereby amended to read as set forth in Attachments A2 and A3, respectively, which are attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Section 18.04.490 of the Issaquah Municipal Code entitled “Thresholds – Level 4,” is hereby amended to read as set forth in Attachment A4, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. A new flow chart entitled “Level 4 Review – Secure Community Transition Facility,” is hereby added to the Appendix of chapter 18.04 of the Issaquah Municipal Code to read as set forth in Attachment A5, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 5. Table 18.06.130 entitled “Table of Permitted Uses,” is hereby amended to read as set forth in Attachment A6, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 6. A new section 18.07.105 entitled “Essential Public Facilities,” is hereby added to the Issaquah Municipal Code to read as set forth in Attachment A7, which is attached here to and incorporated herein by this reference as if set forth in full.

Section 7. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 5th day of August, 2002.

Approved by the Mayor of the City of Issaquah the 3rd day of August, 2002.

APPROVED:

Ava Frisinger
AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:

[Signature]
CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY [Signature]

FILED WITH THE CITY CLERK: 7-26-02
PASSED BY THE CITY COUNCIL: 8-5-02
PUBLISHED: 8-14-02
EFFECTIVE DATE: 8-19-02
ORDINANCE NO. 2345

AB # 4893

Chapter 18.02 – DEFINITIONS

18.02.080 Definitions – F.

Facility, Correctional: A facility operated by a governmental agency and designed, staffed and suited for the permanent housing of adult persons charged with a criminal offense prior to trial and / or sentencing, and for the housing of adult persons for punishment and correction after sentencing.

Facility, Detention: A facility operated by a governmental agency and designed, staffed and suited for the temporary (i.e., not exceeding ninety (90) days) housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for punishment and correction after sentencing.

Facilities, Essential Public: Facilities that are typically difficult to site, as defined in RCW 36.70A.200, such as: airports, state education facilities, state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.

Facilities, Secure Community Transition (SCTF): A residential facility, with no less than three beds, 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.

18.02.200 Definitions – R.

Risk Potential Activities/Facilities: Public and private schools, school bus stops, licensed day care, licensed preschools, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.

18.02.210 Definitions – S.

Screening, Opaque: In various sections of this code, opaque screening is required to minimize visibility to and from particular sites. Opaque screening may include masonry walls, solid wood fencing, chainlink fencing with permahedge inserts, chainlink fencing with opaque slates or evergreen plantings.

Sight Distance: The ability to visually distinguish or recognize individuals from a site property line.

Table 18.04.100-1: Development Review Process and Procedures Matrix

Legend: | = Required m = Optional Empty Box = Not Required

<u>Process Elements</u>	Level 0	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Responsibility/Roles
Project feasibility meeting	m	m	m	m	m	m	m	Project Leader Planning Department
Pre-application meeting with staff	m	m	m		 Optional for Appeal			Public Works, Planning, Fire, Building, Parks, Police Departments
Community Conference w/notice: Adjacent Owners, Parties of Record, Posted Site		m	m		 Prelim. Plat & SCTFs			Development Commission host for Levels 3 & 5; Hearing Examiner host for Level 4. - Applicant provides address labels/postage of Adjacent Owners within 300' of site - Planning Dept. mails notices and posts site
Complete Application Determination								Permit Center documents "Complete Application"
Department Review								Circulate to departments and identify Code Concerns and SEPA Potential Significant Impacts
Notice of Application with public notice to: Adjacent Property Owners, Parties of Record	 Only if SEPA non exempt	 Only if SEPA non exempt			 Optional for Appeal		¹	Applicant provides address labels/postage of Adjacent Owners within 300' of site Planning Dept. mails notices to Adjacent Property Owners and Parties of Record
SEPA Threshold Determination/ Administration recommendation issued								SEPA Threshold Determination issued and Staff Report prepared. SEPA Determination can be appealed; however, the appeal hearing occurs with public hearing for the Project Permit decision
Public Hearing w/notice to: Adjacent Owners, Parties of Record, Posted Site, Newspaper				 Develop. Comm'n	² Hearing Examiner	 Develop. Comm'n/ City Council ³	¹ PPC/ City Council ^{3,8}	Opportunity for public input required at a public hearing
Public Meeting (Notice for Shoreline Subt. Permits only)	¹		⁴ Shoreline Permits only	⁵ Develop. Comm'n	 Hearing Examiner	 City Council ³	 City Council ³	Opportunity for public input optional at a public meeting, except required at a Shoreline Meeting
Notice of Decision (Notice to Adjacent Owners and Parties - Level 2 only)	⁶ Dept. Head ⁷	 Planning Director/ Mgr ⁷	 Planning Director/ Mgr ⁷	 Develop. Comm'n ⁷	 Hearing Examiner ⁷	 City Council	 City Council	Level 0-3 decision appealable to HE. Level 4 and SEPA decisions appealable to City Council (see Ord. 2124 re: SEPA appeals) Level 5-6 decisions appealable to King County Superior Court Code Enforcement decisions appealable to Issaquah Municipal Court

¹ Contract reclassifications (project rezones) and legislative rezones require:

a) Notice of application;

b) Full public hearing notice including adjacent property owners, parties of record, posted site, and newspaper

Legislative actions including Comprehensive Plan and development regulation amendments, and annexations only require public hearing legal notice in the newspaper, subject to any other applicable local, regional, and state regulations. PPC and DC do not hold public hearings for contract reclassifications (project rezones).

² Hearing Examiner holds an open record public hearing for preliminary plats, variances, SCTFs and open record appeals, except open record sign appeals do not require advance public notice; a public meeting is held for final plats and closed record appeals.

³ City Council holds public hearing for contract reclassifications (project rezones). City Council holds a public hearing on other permits only if required by other applicable local, regional, and state regulations.

⁴ The Planning Director/Manager shall host a public meeting for public input on Shoreline Substantial Development Permits, shoreline variances, and Shoreline Conditional Use Permits.

⁵ The Planning Director/Manager may forward a Level 0, 1, or 2 Review to a higher level of review. The Development Commission may hear a Level 0, 1, or 2 project at a public meeting instead of a public hearing, as determined by the Planning Director/Manager.

⁶ Decision made by one (1) person depending on the permit type including, but not limited to: Planning Director/Manager, Building Official, Public Works Director, or Designee. See also Footnote #5.

- ⁷ Except for the appeal of a determination of significance, the City shall provide for no more than one (1) consolidated open record hearing on an appeal. If an appeal is provided after the open record hearing, it shall be a closed record appeal.
- ⁸ Annexations require PPC review only when proposal does not meet the Comprehensive Plan Potential Annexation Area (PAA) schedule and vision. City Council review of Urban Village Development Agreements and Urban Village rezones shall occur in accordance with the notification and review procedures established in IMC [18.04.650](#) for legislative rezones and shall include a public hearing by the Planning Policy Commission in accordance with IMC [18.04.650\(D\)\(4\)](#).
- ⁹ Public meeting only needed for Sign Permit (new, remodel or expansion of business) where decision is made by Development Commission.

Table 18.04.100-2: Levels of Review

Level of Review	Decision-Maker	¹Permit Examples⁴
Level 0	Decision made by one person depending on the permit type including, but not limited to: Planning Director/Manager, Building Official, Public Works Director, or Designee	<ul style="list-style-type: none"> ▪ Level 0 Permits as listed in Table of Permitted Land Uses ▪ Building Permit ▪ Home Occupations ▪ Minor Amendments to Approved Proposal (including ASDP) (including the CBD and adjacent CF zones) Consistent w/design guidelines and Subarea plans ▪ Fences ▪ Mechanical Permits ▪ Minor Clearing, Grading, Filling Actions, Minor Paving and Tree Removal ▪ Nonhabitable or Accessory Structures ▪ Unclassified Use Interpretation ▪ Nonconforming Situations ▪ Signs (Refacing, Approved Sign Packages, Other Minor Signs) ▪ Signs (New, remodel, or expansion of business)² ▪ Business Licenses and Special Events Permits ▪ Reasonable Accommodation ▪ Conversion of Property from Forestry Practice ▪ Others as determined by Planning Director/Manager
Level 1	Planning Director/Manager or Designee	<ul style="list-style-type: none"> ▪ Level 1 Administrative Site Development Permits (ASDP) < 3 acres and off major streets ▪ Home Occupations ▪ Family Member Cottages and Accessory Dwelling Units ▪ Painting and minor exterior construction in the CBD and adjacent CF zones Not consistent w/design guidelines and Subarea Plans ▪ Clearing, Grading or Filling actions w/critical areas and buffers ▪ Accessory and Temporary Uses ▪ Shoreline Exemption Permits and Shoreline Revision Permits ▪ Lot Line Adjustments ▪ Others as determined by Planning Director/Manager
Level 2	Planning Director/Manager	<ul style="list-style-type: none"> ▪ Level 2 Administrative Site Development Permits (ASDP) < 3 acres and off major streets ▪ Home Occupations ▪ Nonconforming Situations ▪ Minor Utility Facilities ▪ Accessory and Temporary Uses ▪ Administrative Adjustment of Standards (AAS) ▪ Administrative Adjustment of Standards (AAS) ▪ Shoreline Substantial Development Permits, Shoreline Variances, Shoreline Conditional Use Permits ▪ Short Subdivisions (Short Plats) ▪ Minor Amendments to Master Site Plans and Project Rezones ▪ Level 0 or 1 Review requiring SEPA review ▪ Others as determined by Planning Director/Manager
Level 3	Planning Director/Manager	<ul style="list-style-type: none"> ▪ Level 3 Site Development Permits (SDP) ▪ Level 1 and 2 Administrative Site Development Permits (ASDP) < 3 acres and/or on major streets ▪ Major Amendments to approved Site Development Permits ▪ Others as determined by Planning Director/Manager
Level 4	Hearing Examiner	<ul style="list-style-type: none"> ▪ Variances ▪ Appeals to Level 0, 1, 2, and 3 Decisions ▪ Preliminary Plats and Final Plats ▪ Secure Community Transition Facilities
Level 5	City Council (with recommendation from Development Commission)	<ul style="list-style-type: none"> ▪ Master Site Plans ▪ Major Amendments to Master Site Plans
Level 6	City Council (with recommendation from Planning Policy Commission and/or Development Commission)	<ul style="list-style-type: none"> ▪ Major Amendments to Project Rezones ▪ Contract Reclassifications Project Rezones, Legislative Rezones ▪ Comprehensive Plan and Development Regulation Amendments ▪ Annexations³ ▪ Urban Village Development Agreements and Urban Village rezones are processed through legislative rezone process

- 1 Permits for any development in a UV zone are processed through process described in the adopted development agreement for said UV zone in accordance with Ordinance No. 2103 as amended.
- 2 Decision made by Development Commission at public meeting.
- 3 Annexations require PPC review only when proposal does not meet the Comprehensive Plan Potential Annexation Area (PAA) vision.
- 4 Change of Use applications, see IMC 18.04.100-3: Change of Use Level of Review.

Level 4 Review – Appeals, Variances, Preliminary and Final Plats and Secure Community Transition Facilities

18.04.460 Purpose.

The following land use actions are reviewed through the Level 4 process which ensures review for consistency with the applicable approval criteria and other Codes. (Ord. 2108 § 4.4.5.1, 1996).

18.04.470 Process and decision.

A. Recommendation: Staff shall analyze and make a recommendation to the Hearing Examiner based on the compliance of the proposal with the standards and provisions of this Code, and other uniform codes in effect and administered by the City and applicable jurisdictions.

B. Hearing Type – Closed or Open Record: Except for the appeal of a determination of significance as provided in RCW 43.21C.075 (SEPA), the City shall provide for no more than one (1) consolidated open record hearing on such appeal. If an appeal is provided after the open record hearing, it shall be a closed record appeal before the Hearing Examiner. A variance includes an open record public hearing unless otherwise stated in this Code. A final plat is reviewed at a public meeting without the need for an open record public hearing.

C. Decision: The decision to approve, approve with conditions or deny the project shall be the responsibility of the Hearing Examiner, and shall be based on the decision criteria, staff report, public comments, and discussion of the issues. (Ord. 2108 § 4.4.5.2, 1996).

18.04.480 Approval criteria.

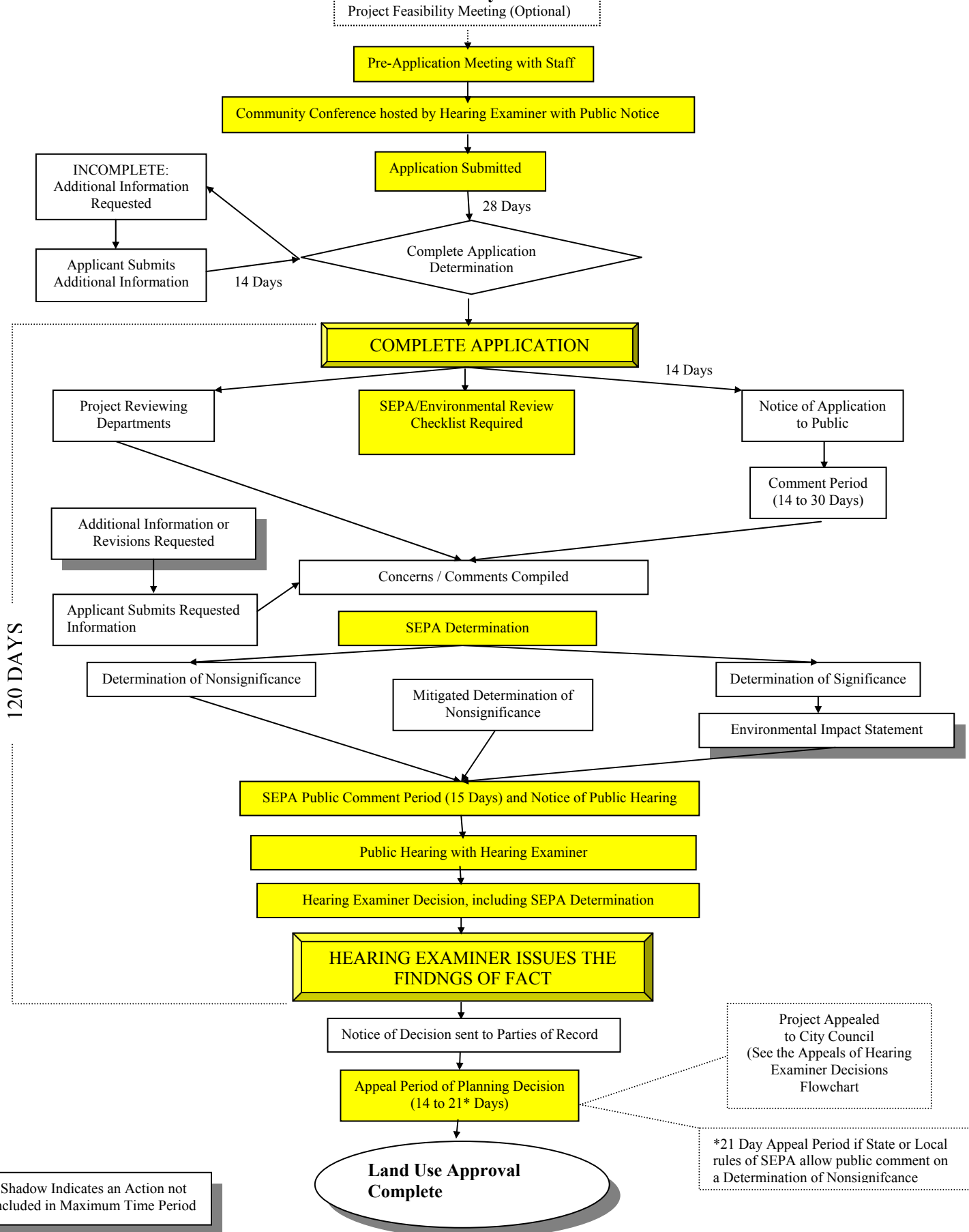
Level 4 permits are decided in accordance with the purpose and intent of this chapter, using approval criteria found in this chapter and Chapter 1.32 IMC (Appeals), and other applicable approval criteria. (Ord. 2108 § 4.4.5.3, 1996).

18.04.490 Thresholds – Level 4.

The following land use actions are reviewed through the Level 4 process:

D. Secure Community Transition Facilities (SCTF): Applications for SCTFs shall be reviewed in accordance with the criteria set forth in Chapter 18.07 IMC (Development and Design Standards). The Hearing Examiner shall hold a public hearing and make the final decision. The Hearing Examiner's decision on an SCTF is appealable to the City Council.

Level 4 Review – Secure Community Transition Facilities



18.06.130 Table of Permitted Uses

	C-Rec	C-Res	SF-E	SF-L	SF-S	SF-SL	SF-D	MUR	MF-M	MF-H	PO	CBD	R	IC	I	CF-F	CF-R	CF-OS	M
PUBLIC SERVICES ¹																			
Bus, Taxi, Van, Transit Station										3	2	2	2	2	1	2			
Cemetery					3											2			
Church w/ or w/o Accessory Day Care		2	2	2	2	2	2	2	2	2	2	2	2	2	2				
Community Center					3	3	3	3	3	2	2	2	2	2	2	2			
Environmental Improvements	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Essential Public Facilities																			
- Adult Family Home ⁵		0	0	0	0	0	0	0	0	0	0	0	0	0					
- Correctional Facilities											3		3	3	3	3			
- Detention Facility											3		3	3	3	3			
- Residential Care Facility							1	1	1	1	1	2	2	2					
- Secure Community Transition Facilities ⁶											4	4	4	4	4				
- Schools, State Educational Facilities																			
- Utility Facilities, Major																			
Unspecified Essential Public Facilities											3	3	3	3	3	3			
Geotechnical Exploration ⁴		0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0
Government Facilities: Offices; Fire/Police. Station; City Jail; Maintenance Site w/ or w/o Outdoor Storage ² ; etc					2	2	2	2	2	2	2	1	1	1	2	2			
Hydraulic Improvements ⁴	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	
Memorial Chapel							3	3	2	2	1	1	2						
Museum/Art Gallery					2	2	2	1	1	1	1	1	1	1	1	2			
Library					2	2	1	1	1	1	1	1	1	1	2	2			
“Park and Ride” Parking Lot			3	3	3		3	3	3	2	2	3	2	2	1	2	3 ³		
Social Services/Nonprofit Organizations				2	2	2	2	1	1	1	1	1	1	1	1	2			
Private Organization, Club Houses							2	2	2	1	1	1	1						
Schools: Public and Private																			
- Elementary			3	3	3	3	3	3	3	3	3	3		3		2			

C-Rec = Conservancy Recreation SF-D = Single Family Duplex (7.26 or 14.52 du/acre) PO = Professional Office CF = Community Facilities
 C-Res = Conservancy Residential SF-SL = Single Family Small Lot (7.26 du/acre) CBD = Cultural and Business District CF-OS – Open Space
 SF-E = Single Family Suburban Estates (1.24 du/acre) MUR = Mixed Use Residential R = Retail Commercial CF-R – Recreation
 SF-L = Single Family Low Density (2.9 du/acre) MF-M = Multifamily Medium Density (14.52 du/acre) IC = Intensive Commercial CF-F – Facilities
 SF-S = Single Family Suburban (4.5 du/acre) MF-H = Multifamily High Density (29 du/acre) I = Light Industrial M = Mineral Resource

¹ Well Head Protection: Any zoning districts within the well head protection area may preclude or condition some permitted uses as established in this table.

² See Design Criteria Checklist for screening requirements.

³ Allowed as shared use only.

⁴ A shoreline permit may be required.

⁵ Adult day care maximum allowed attendees shall not be greater than six (6).

⁶ SCTFs require a Level 4 Review when proposed as new construction as well as when proposed as a change of use to an existing building.

0 = Level 0 Review; 1 = Level 1 Review*; 2 = Level 2 Review*; 3 = Level 3 Review, regardless of size/location of parcel; 4 = Level 4 Review; NO NUMBER = NOT PERMITTED

*Level 3 Review required if Level 1 or 2 proposal is > 3 acres and < 15 acres; or located on Front St, Sunset Way, NW Maple St, Newport Way, Gilman Blvd (east of SR 900); SR 900; NW Sammamish Rd; East Lake Sammamish Parkway (ESLP); SE 56th Street west to 1,200 feet east of ELSP, Issaquah-Fall City Road, or Issaquah Pine Lake Road SE, see Chapter 18.04 IMC for details on levels of review.

18.07 – REQUIRED DEVELOPMENT AND DESIGN STANDARDS

18.07.105 Essential Public Facilities.

- A. Purpose and Intent. It is the purpose and intent of this section is to provide a process for identifying and siting various types of essential public facilities as defined in IMC 18.02.080 and as required by RCW 36.70A.200.
- B. Exemptions. Maintenance, repair or replacement of elements of an existing essential public facility are exempt from the supplemental development standards established herein and from the review procedures established in Chapters 18.03 and 18.04 IMC. However, these proposals are subject to other land use development regulations within the City's adopted regulations, such as the Shoreline Master Program and critical areas regulations.
- C. Review Required. Essential public facilities are subject to the review procedures identified in the Table of Permitted Land Uses (IMC 18.06.130).
- D. General Approval Criteria. Essential Public Facilities shall be approved when the following approval criteria are met.
 1. Architectural Form and Character. A building which houses all or most of an essential public facility shall be compatible with the architectural form and design of surrounding buildings and in accordance with the standards of IMC 18.07 Appendix 2 – the Design Criteria Checklist.
 2. Development Standards. All buildings and structures shall conform to the design criteria of the underlying zoning district as established in Section 18.07.360, District Standards Table.
 3. Residential Areas. Essential public facilities shall, whenever possible, be located and designed to minimize adverse impacts on nearby residential areas.
- E. Approval Criteria – State / Regional Transportation Facilities. In addition to the approval criteria established in 18.07.105(D), state and regional transportation facilities are subject to those regulations established in Title 47 of the Revised Code of Washington.
- F. Approval Criteria – Secure Community Transition Facilities. In addition to the approval criteria established in 18.07.105(D), Secure Community Transition Facilities (SCTF) are subject to those regulations established and enforced by Washington State in the Revised Code of Washington (RCW) 71.09, and must further meet the following approval criteria:
 1. At the time of application submittal, the State shall provide a listing of all locations considered for the SCTF and an explanation of why all sites are or are not appropriate.
 2. Facility Size. The maximum size of any SCTF is fifteen (15) beds. The number of beds within a facility, after the facility is operating, shall not increase without going through the Level 4 process.
 3. Screening. The entire site devoted to the SCTF shall be screened year round with Opaque Screening no less than six feet in height from grade. When evergreen plantings are used, the plantings must be six feet from grade at the time of planting and must be maintained by the property owner.
 4. Operating Procedures. Pursuant to ESSB 6594, Section 16, the state and the City of Issaquah shall enter into a long-term agreement regarding operating procedures of the facility prior to issuance of a Certificate of Occupancy. The agreement may be amended at the request of either the state or the city, when necessary.
 5. Location. A SCTF shall not be permitted to locate adjacent to, across the street from or within Sight Distance of Risk Potential Activities/Facilities defined in IMC Section 18.02.200.
 6. Application of Separation Requirements to Lawfully Located Secure Community Transition Facility: A Risk Potential Activity/Site defined in IMC 18.02.200 shall not benefit from the separation requirements of this section if the Risk Potential Activity/Facility chooses to located adjacent to, across the street, or in sight distance of a lawfully located and licensed SCTF. A SCTF is lawfully located if it has located within the City in accordance with the requirements of this section.