

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REPEALING ORDINANCE 2132, AND ADOPTING PERMANENT REGULATIONS REGARDING THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES IN THE BUSINESS PARK, MANUFACTURING PARK AND INDUSTRIAL ZONES, ADOPTING A MAP OF PERMITTED LOCATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in March 2002, the State of Washington enacted legislation pursuant to RCW 71.09 regarding the siting of Secure Community Transition Facilities; and,

WHEREAS by this statute, local governments are required by the State to adopt polices and regulations regarding the siting of these facilities by September 1, 2002. If local jurisdictions do not address this requirement by the deadline, the State will preempt any local regulations and site such facilities using only the State's criteria; and,

WHEREAS, pursuant to RCW 36.70A, notice of the City's intent to adopt regulations regarding the siting of Secure Community Transition Facilities was filed with the Office of Community Development on June 28, 2002, at least sixty (60) days prior to the effective date of this Ordinance; and,

WHEREAS, on July 2, 2002, the City Council directed staff to prepare regulations for the siting of Secure Community Transition Facilities and to limit their location to areas within the Business Park (BP), Manufacturing Park (MP), and Industry (I) zones. Given the time limitations, the City Council further directed that the regulations be brought directly to them as an interim land use regulation; and,

WHEREAS, pursuant to appropriate mailed, published, and televised notice, the City of Redmond City Council held a public hearing on the proposed regulations on August 6, 2002; and,

WHEREAS, the City Council adopted Ordinance 2131 on August 6, 2002, regarding the siting of Secure Community Transition Facilities, subsequently determined that there were errors in the ordinance and convened a Special City Council Meeting for August 13, 2002 to repeal Ordinance 2131 and adopt Ordinance 2132, which corrected the errors and adopted interim regulations; and

WHEREAS, pursuant to Ordinance 2132, the City of Redmond shall adopt permanent regulations relating to Secure Community Transition Facilities within six (6) months of the effective date of Ordinance 2132 in accordance with the amendment requirements described in RCDG 20F.40.60; and,

WHEREAS, pursuant to appropriate mailed, published and televised notice, the City of Redmond Planning Commission held a public hearing on the proposed permanent regulations on January 8, 2003; and,

WHEREAS the Planning Commission considered the comments received and other data and analysis contained in the Staff Reports, and recommends that this Ordinance be adopted and that the proposed amendments are consistent with the Washington State Growth Management Act, the County-Wide Planning Policies and the City's criteria for amending the Community Development Guide; and

WHEREAS, the City Council has reviewed the amount of vacant or redevelopable land available within the BP, MP and I zones, and determined that a sufficient supply of potentially available land exists for acquisition by the State of Washington; and,

WHEREAS the City Council has considered the recommendations of the Planning Commission, and other data and analysis contained in the Staff Reports, and has determined that this Ordinance should be adopted and that the proposed amendments are consistent with the Washington State Growth Management Act, the County-wide Planning Policies, and the City's criteria for amending the Community Development Guide, now therefore,

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

Section 1: Findings, Conclusions, and Analysis. In support of the proposed amendments to the Redmond Community Development Guide, the City Council hereby adopts the findings, conclusions, and analysis contained in the Planning Commission Report to the City Council dated February 12, 2003 and the related attachments and exhibits to that report.

Section 2: Adoption of Permanent Regulations Relating to the Siting of Secure Community Transition Facilities. The following sections of the Redmond Community Development Guide are hereby amended as set forth below:

- A. A new definition shall be added to Section 20A.20.190 "S" Definitions as follows:

20A.20.190 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.

- B. Section 20C.60.15-020 of the Redmond Community Development Guide shall be amended as follows:

20C.60.15-020 Business Park (BP) Zone–Purpose. The Business Park (BP) zone provides areas to locate software development, research and development, and associated offices, and related manufacturing activities, which have non-retail components. These areas complement commercial activities typically found in the City Center and have limited outdoor storage. Advanced technology and biotechnology businesses are encouraged in this zone. Manufacturing and wholesale distribution are allowed when it is conducted largely indoors. A mix of compatible businesses, which provide technical consulting, personnel and productivity support services, as well as limited retail and service uses that support the above land uses, are also allowed within the Business Park zone. This mix of business activities is intended to internalize vehicle trips and provide needed support services within close proximity to other Business Park uses. Service businesses that primarily serve the general public are prohibited. Limited residential uses (and associated increased building heights and floor area ratios) may be allowed in upper stories of buildings through Type IV conditional use approval. Secure Community Transition Facilities may be permitted in the Business Park zone through a Type III

conditional use approval, subject to the criteria and standards in 20F.40.80 (Essential Public Facilities) and 20D.170.55 (Secure Community Transition Facilities).

- C. Section 20C.60.15-030 of the Redmond Community Development Guide shall be amended as follows:

20C.60.15-030 Manufacturing Park (MP) Zone–Purpose. The Manufacturing Park (MP) zone is intended to provide areas for primarily manufacturing, and related research and development, wholesale, assembly and distribution uses. Uses that require significant space for indoor and outdoor storage of materials and equipment are also allowed. Offices are limited to those that support the primary uses noted above. Residential uses, except Secure Community Transition Facilities, are not allowed. Secure Community Transition Facilities may be permitted in the Manufacturing Park zone through a Type III conditional use approval, subject to the criteria and standards in 20F.40.80 (Essential Public Facilities) and 20D.170.55 (Secure Community Transition Facilities). Retail sales of goods, materials, resources and products are allowed, given they are mined, extracted, assembled or processes on the property.

- D. Section 20C.60.15-040 of the Redmond Community Development Guide shall be amended as follows:

20C.60.15-040 Industry (I) Zone–Purpose. The Industry (I) zone allows manufacturing, research and development, industrial uses, mineral and resource extraction and processing, wholesale trade and distribution,

and associated warehouse and storage activities. Secure Community Transition Facilities may be permitted in the Industry zone through a Type III conditional use approval, subject to the criteria and standards in 20F.40.80 (Essential Public Facilities) and 20D.170.55 (Secure Community Transition Facilities). Existing and proposed development within the Industry zone shall assure protection of ground water quality through the application of performance standards, permit conditions, and all environmentally sensitive areas regulations.

- E. Section 20C.60.20-030 of the Redmond Community Development Guide shall be amended as shown in the attached Exhibit 1.
- F. A new Section 20D.170.55 shall be added to the Redmond Community Development Guide as follows and inclusive of the map shown in the attached Exhibit 2:

20D.170.55 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 20F.30.40 and 20F.40.80 and are not subject to a variance.
- 3. Siting Criteria:
 - a. SCTFs should be located near transit facilities, as appropriate.

- b. SCTFs are only permitted in the areas designated on the Secure Community Transition Facilities Permitted Locations Map.
 - c. No SCTF shall be permitted within one mile from any existing SCTF, work release, prerelease, or similar facilities, as defined in RCW 71.09.250(8) and (9).
4. On-Site Facilities Required: Each SCTF shall have the capability to provide on-site dining, on-site laundry or laundry service, and on-site recreation facilities to serve the residents.
5. Application Materials: In addition to the regular application materials required for a Land Use Review pursuant to 20F.30.40 and 20F.40.80, 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 consideration was given to potential sites such that siting of the facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
 - c. Proposed mitigation measures, including the use of 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.

G. Section 20F.30.40-020(2) of the Redmond Community Development Guide shall be amended as follows:

(2) Notice of Application Requirements of Type III Permits

Permit	Mail	Post
Preliminary Plat	X	X
Reasonable Use Exception	X	X
<u>Secure Community Transition Facility Conditional Use Permit</u>	<u>X</u>	<u>X</u>
Shoreline Conditional Use Permit	X	X
Shoreline Variance	X	X
Variance	X	X

H. Section 20F.40.80-010 of the Redmond Community Development Guide shall be amended as follows:

20F.40.80-010 Purpose. The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involved the community and identifies and minimizes adverse impacts. Essential public facilities are defined in RCDG 20A.20.50, Definitions. Examples include schools, water transmissions lines, sewer collection lines, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water treatment plants. Secure Community Transition Facilities as defined in RCDG 20A.20.190 are also included.

I. Section 20F.40.80-030 of the Redmond Community Development Guide shall be amended as follows:

20F.40.80-030 Procedure. Applications that seek approval for an Essential Public Facility as defined by RCDG 20A.20.50 shall follow the procedures established in Section 20F.30.45 for a Type IV permit process. Applications that seek approval for a Secure Community Transition Facility as defined in RCDG 20A.20.190 shall follow the procedures established in Section 20F.30.40 for a Type III permit process. In addition to the decision criteria described in Sections 20F.40.80-040 and 20F.40.80-050, Secure Community Transition Facilities shall also be consistent with RCDG 20D.170.55 (Secure Community Transition Facilities).

20F.40.80-050 Decision Criteria – Review Process.

- (1) An applicant may have one or more alternative sites considered at the same time during this process.
- (2) The Director has the authority to require the consideration of sites outside the City of Redmond. Alternative sites shall cover the service area of the proposed essential facility. This criteria is not applicable to Secure Community Transition Facilities.
- (3) An amplified public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable

impacts if the involvement process has the potential to lead to a more appropriate design/location. The public involvement process could also lead to development of incentives or to address modifications to the facility which would make siting of that facility more acceptable.

- (a) The applicant shall propose an acceptable public involvement process to be reviewed and approved by the Director.
 - (b) Public involvement activities shall be conducted by and paid for by the applicant.
 - (c) The public involvement process shall be initiated by the applicant as early as feasibly possible.
- (4) The Director may require a multi-jurisdictional review process if the facility serves a regional, Countywide, Statewide, or national need. If this process is required, the applicant shall design an acceptable process to be reviewed and approved by the Director. Applicants shall be required to pay for this process. This requirement is not applicable to Secure Community Transition Facilities.
- (5) An analysis of the facility's impact on City finances shall be undertaken. Mitigation of adverse financial impacts shall be required.

- (6) The following criteria shall be used to make a determination on the application:
- (a) Whether there is a public need for the facility;
 - (b) The impact of the facility on the surrounding uses and environment, the City and the region;
 - (c) Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment;
 - (d) Whether a package of incentives can be developed that would make siting the facility within the community more acceptable;
 - (e) Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment;
 - (f) Whether the proposed essential public facility is consistent with the Redmond Comprehensive Plan;
 - (g) If a variance is requested, the proposal shall also comply with the variance criteria;

(h) Essential public facilities shall comply with any applicable State siting and permitting requirements.

(Ord. 2118)

Section 3: Repeal of Ordinance 2132. Ordinance 2132 as adopted on August 13, 2002 is hereby repealed in its entirety.

Section 4: Severability. If any section, sentence, clause, map or phrase of this Ordinance or any Comprehensive Plan provision or regulation adopted or amended hereby 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 or any other Comprehensive Plan provision or regulation adopted or amended hereby.

Section 5: Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five days after passage and after the publication of an approved summary therefore consisting of this title.

CITY OF REDMOND
/s/ MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:
/s/ DEPUTY CITY CLERK, SANDRA L. MARION

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
By: /S/ JAMES E. HANEY

FILED WITH THE CITY CLERK:	February 13, 2003
PASSED BY THE CITY COUNCIL:	February 18, 2003
SIGNED BY THE MAYOR:	February 18, 2003
PUBLISHED:	February 22, 2003
EFFECTIVE DATE:	February 27, 2003
ORDINANCE NO: <u>2152</u>	