



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 15, 2002**

**Ordinance 14503**

**Proposed No. 2002-0372.2**

**Sponsors Hague**

1 AN ORDINANCE relating to zoning; amending the  
2 definition of community residential facility to exclude  
3 secure community transition facilities as defined in chapter  
4 71.09 RCW; to preclude the siting of secure community  
5 transition facilities in unincorporated King County; and  
6 amending Ordinance 10870, Section 84, and K.C.C.  
7 21A.06.220 and adding a new section to K.C.C. chapter  
8 21A.06.

9  
10

11 **PREAMBLE:**

12 The McNeil Island Special Commitment Center (Commitment Center) is a total  
13 confinement facility operated by the Washington State Department of Social and  
14 Health Services (DSHS) that provides long-term rehabilitative treatment for  
15 certain sex offenders. The Commitment Center was created in 1990 as part of  
16 the Community Protection Act (the Act), which provided for the civil  
17 commitment of sex offenders who have completed their criminal  
18 sentences, but meet the State's definition of "sexually violent predator."

19 A 1994 federal court ruling determined that Commitment Center residents  
20 must have the opportunity to graduate to "less restrictive" facilities, off of  
21 McNeil Island. The statutory name for a less restrictive alternative  
22 operated or contracted by DSHS is "Secure Community Transition  
23 Facility" (SCTF).

24 In 2001 the Act was amended by the state legislature (Engrossed  
25 Substitute Senate Bill 6151) to require all counties and their cities to  
26 amend their comprehensive plans and development regulations to provide  
27 for the siting of a SCTF. Further amendments in 2002 (Engrossed  
28 Substitute Senate Bill 6594) narrowed this requirement to six of the seven  
29 counties that had at least five residents committed or detained for  
30 commitment on McNeil Island on April 1, 2001 (Clark, King, Kitsap,  
31 Snohomish, Spokane and Thurston). These six counties, as well as the  
32 cities within their boundaries, must plan for the siting of a SCTF as  
33 provided for under chapter 71.09 RCW.

34 Under Engrossed Substitute Senate Bill 6594, the state has the authority to  
35 preempt any of the six counties or the cities within their boundaries if they  
36 fail to complete the required planning by October 1, 2002. Preemption  
37 authorizes the State to supersede local plans, development regulations,  
38 permitting and inspection requirements, and all other laws necessary for  
39 siting, constructing, renovating, occupying and operating a SCTF.

40 The council notes that a SCTF would be considered a "community  
41 residential facility" under the current definition found in the King County

42 Zoning Code (K.C.C. Title 21A) and that a community residential facility  
43 is permitted in residential zones.

44 The council does not believe that a SCTF belongs in a residential zone.  
45 Preclusion of the siting of a SCTF in residential areas is consistent with  
46 the direction of many of the other jurisdictions in the county that are  
47 planning under chapter 71.09 RCW.

48 During the past decade, much of King County's urban area has been  
49 annexed by cities or incorporated as new cities. Aside from the urban and  
50 rural residential zones, the vast majority of the land area remaining in  
51 unincorporated King County is comprised of resource lands devoted to the  
52 preservation of forestry, agriculture, or mining. These resource lands are  
53 located in the remote portions of the county, lack basic infrastructure  
54 necessary for development of a SCTF or are not located in reasonably  
55 close proximity to the essential emergency and social services, as  
56 mandated by chapter 71.09 RCW. Furthermore, the siting of a SCTF on  
57 resource lands would undermine King County's long-standing efforts to  
58 preserve their viability and prevent the encroachment of nonresource-  
59 related activities.

60 In addition, there are very few commercial or industrial lands remaining in  
61 unincorporated King County. These commercial and industrial areas are  
62 limited in size and are either in very close proximity to or are part of  
63 existing residential neighborhoods, which have a high concentration of  
64 risk potential activities and facilities as defined in RCW 71.09.020.

65 Furthermore, these commercial and industrial areas are located in  
66 communities of unincorporated King County that are economically  
67 depressed and/or are already burdened with a disproportionately high  
68 number of Level 2 and Level 3 sex offenders or residents living in  
69 facilities operated by the Department of Corrections or the DSHS Mental  
70 Health Division.

71 Siting of a SCTF in these unincorporated commercial and industrial areas  
72 would not provide adequate protection to the adjoining residential  
73 neighborhoods and would undermine King County's long-standing efforts  
74 to improve the economic viability of its commercial and industrial areas,  
75 to increase the desirability and livability of struggling residential  
76 neighborhoods, and to promote the equitable distribution of certain types  
77 of group residential facilities and of Level 2 and Level 3 sex offenders.

78 Based upon the earlier stated facts, the council concludes that any proposal  
79 to site a SCTF in any part of unincorporated King County would be  
80 inappropriate and that an amendment to the King County Zoning Code to  
81 totally preclude the siting of a SCTF in unincorporated King County is  
82 necessary to preserve the health, safety and welfare of its citizens.

83 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

86 **Community residential facility ("CRF").** Community residential facility  
87 ("CRF"): living quarters meeting applicable federal and state standards that function as a

88 single housekeeping unit and provide supportive services, including but not limited to  
89 counseling, rehabilitation and medical supervision, excluding drug and alcohol  
90 detoxification, which is classified in K.C.C. 21A.08.050 as health services, and excluding  
91 a secure community transition facility as defined in R.C.W. 71.09.020 and in this chapter.

92 CRFs are further classified as follows:

93 A. CRF-I -- Nine to ten residents and staff;

94 B. CRF-II -- Eleven or more residents and staff.

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

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

99 **Secure community transition facility ("SCTF").** Secure community transition  
100 facility ("SCTF"): A facility for persons civilly committed and conditionally released to  
101 a less restrictive alternative in accordance with chapter 71.09 RCW. A secure





## King County

**Ron Sims**

King County Executive

516 Third Avenue, Room 400  
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2002 OCT 25 PM 3:45  
CLERK  
KING COUNTY COUNCIL

October 25, 2002

The Honorable Cynthia Sullivan  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Sullivan:

Today, I will let Ordinance 14503, pertaining to Secure Community Transition Facilities (SCTF) lapse into law without my signature.

State Law (chapter 71.09 RCW) gives us the option of either identifying areas where these facilities can locate within our County, or of doing nothing and thereby facing preemption of our laws. I proposed that the County attempt to identify areas best suitable for a SCTF, whereas this ordinance would permit preemption. In August of this year, I transmitted an ordinance to you that would have allowed SCTFs to locate within a subset of the Forest Production District. My staff had already been in discussions with the staff from the State Department of Social and Health Services (DSHS) to begin identifying possible sites within this framework. There were some challenges with this approach, but it gave this government the ability to control the outcome.

This reason I will not sign this ordinance is that I do not believe that opting for preemption is a wise position for this government to take, however, I do support the change to the King County Code to exclude SCTFs from the definition of Community Residential Facilities. I am concerned about where a SCTF could be located since the only guidance will be the siting standards specified in state law. I believe that it is the responsibility of our County government to work with state government to find the best possible site for an SCTF but that the siting should be controlled through our local land use procedures and restrictions.

My staff will continue to be available to work closely with DSHS staff, at their request, as they embark on the siting exercises for locating a SCTF in King County.



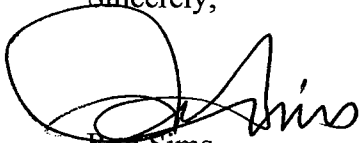
The Honorable Cynthia Sullivan

October 25, 2002

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If you have questions, please contact Stephanie Warden, Director, Department of Development and Environmental Services, at (206) 296-6701.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims". The signature is stylized with a large, circular flourish at the beginning.

Ron Sims

King County Executive

cc: King County Councilmembers

ATTN: David deCourcy, Chief of Staff

Shelley Sutton, Policy Staff Director

Anne Noris, Clerk of the Council

Steve Call, Director, Office of Budget

Stephanie Warden, Director, Department of Development & Environmental Services

Beverly K. Wilson, Associate Superintendent for Community Programs, Department of Social and Health Services