

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 94**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
AMENDING THE SPOKANE COUNTY ZONING CODE AS ADOPTED BY THE
CITY OF LIBERTY LAKE CONCERNING SECURE COMMUNITY TRANSITION
FACILITY (SCTF)**

WHEREAS, pursuant to the provisions of RCW 35.21.180, 35A.11.020, 35A.21.160, and 35A.63, the City of Liberty Lake ("City") has enacted a zoning ordinance by adopting by reference the Spokane County Zoning Code; and

WHEREAS, pursuant to the provisions of RCW 35A.63, the City may adopt amendments to its zoning ordinance; and

WHEREAS, on August 6, 2002, the City of Liberty Lake City Council ("City Council") held a public hearing to consider proposed amendments to the Spokane County Zoning Code as adopted by the City pursuant to Ordinance No. 48; and

WHEREAS, the City Council considered amendments to Chapter 14.300 Definitions, Chapter 14.620 Urban Residential-12 (UR-12) Zone, and Chapter 14.622 Urban Residential-22 (UR-22) Zone; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend its zoning ordinance and adopt regulations concerning secure community transition facilities, as set forth below.

THEREFORE, the City Council of the City of Liberty Lake, Washington does ordain as follows:

Section 1. Amendments to Chapter 14.300 Definitions adding a definition for Secure Community Transition Facility and modifying the definitions for Community Residential Facility and Community Treatment Facility.

Secure Community Transition Facility: Any dwelling or place licensed, certified or authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment. May include: secure community housing unit operated by the Department of Social and Health Services and secure community housing unit operated by a contractor on behalf of the Department of Social and Health Services.

Community Residential Facility: Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Halfway House, Crisis Residential Center or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children and boarding home.

Community Treatment Facility: Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include: detoxification centers, Halfway House, Crisis Residential Center or Secure Community Transition Facility. May include: alcohol and/or drug abuse treatment facilities and adult treatment facilities.

Section 2. Amendment to Chapter 14.620 Urban Residential-12 (UR-12) Zone adding item number seven (7).

14.620.240 Conditional Uses

7. Secure Community Transition Facility (SCTF)(3 or fewer residents), provided that:
 - a. In no case shall a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. The law defines "risk potential activity" or "risk potential facility" to mean "an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center." The following are considered to be risk potential activities or facilities:
 - i. Public and private schools;
 - ii. School bus stops;
 - iii. Licensed day care and licensed preschool facilities;
 - iv. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;
 - v. Recreational and community centers
 - vi. Churches, synagogues, temples, mosques and other places of worship;
 - vii. Public library;
 - viii. Any other risk potential facility identified in siting criteria by the Department of Social and Health Services with respect to siting a Secure Community Transition Facility.
 - b. The Secure Community Transition Facility shall meet any applicable state, federal and local licensing for a facility authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment;

- c. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.
- d. The applicant shall demonstrate that they have met the following security measures:
 - i. Intensive staffing. The law requires the Secure Community Transition Facility to provide intensive staffing ratios. In facilities with six or fewer residents, the facility must provide a ratio of one staff on duty for each resident during the day and evening hours, and two staff on duty for every three residents during the night hours.
 - ii. Close supervision and escorts. Unless otherwise ordered by the court, each Secure Community Transition Facility resident must be closely supervised (on a one-to-one basis) by a trained staff or court-authorized escort when the resident leaves the Secure Community Transition Facility premises for any purpose. The staff/escort must remain with the resident for the duration of the outing, even when the resident may be working at a job. Staff and escorts must carry a cellular telephone or a similar communication device at all times when escorting a resident.
 - iii. Household security systems. The Secure Community Transition Facility must have household and perimeter security systems installed that meet specific technical specifications and offer appropriate emergency backup provisions. This includes providing a tamper-proof security panel, emergency electrical supply system, personal panic devices for all staff, staff photo ID badges, etc.
 - iv. Staff training and qualifications. The Secure Community Transition Facility staff must qualified and trained as required by Washington state law.
 - v. Informed staff and escorts. Staff and escorts must be fully informed about each resident's offense history and behavior patterns.
 - vi. Community trips require advance planning. Residents are allowed to leave the facility premises only for specified purposes, as authorized by the court order, and only with prior approval of the resident's assigned community corrections officer, treatment provider, and the Secure Community Transition Facility program manager. Reasons for leaving the facility may include treatment, employment interviews, employment training, and other activities, such as family visits, that are specifically addressed in the resident's treatment plan.
 - vii. Individual electronic monitoring devices. Unless otherwise ordered by the court, each resident must wear an individual electronic monitoring device.

Section 3 Amendment to Chapter 14.622 Urban Residential-22 (UR-22) Zone.
adding item number six (6).

14.620.240 Conditional Uses

7. Secure Community Transition Facility (SCTF)(3 or fewer residents), provided that:
- a. In no case shall a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. The law defines "risk potential activity" or "risk potential facility" to mean "an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center." The following are considered to be risk potential activities or facilities:
 - ix. Public and private schools;
 - x. School bus stops;
 - xi. Licensed day care and licensed preschool facilities;
 - xii. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;
 - xiii. Recreational and community centers
 - xiv. Churches, synagogues, temples, mosques and other places of worship;
 - xv. Public library;
 - xvi. Any other risk potential facility identified in siting criteria by the Department of Social and Health Services with respect to siting a Secure Community Transition Facility.
 - b. The Secure Community Transition Facility shall meet any applicable state, federal and local licensing for a facility authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment;
 - c. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.
 - d. The applicant shall demonstrate that they have met the following security measures:

- i. Intensive staffing. The law requires the Secure Community Transition Facility to provide intensive staffing ratios. In facilities with six or fewer residents, the facility must provide a ratio of one staff on duty for each resident during the day and evening hours, and two staff on duty for every three residents during the night hours.
- ii. Close supervision and escorts. Unless otherwise ordered by the court, each Secure Community Transition Facility resident must be closely supervised (on a one-to-one basis) by a trained staff or court-authorized escort when the resident leaves the Secure Community Transition Facility premises for any purpose. The staff/escort must remain with the resident for the duration of the outing, even when the resident may be working at a job. Staff and escorts must carry a cellular telephone or a similar communication device at all times when escorting a resident.
- iii. Household security systems. The Secure Community Transition Facility must have household and perimeter security systems installed that meet specific technical specifications and offer appropriate emergency backup provisions. This includes providing a tamper-proof security panel, emergency electrical supply system, personal panic devices for all staff, staff photo ID badges, etc.
- iv. Staff training and qualifications. The Secure Community Transition Facility staff must qualified and trained as required by Washington state law.
- viii. Informed staff and escorts. Staff and escorts must be fully informed about each resident's offense history and behavior patterns.
- ix. Community trips require advance planning. Residents are allowed to leave the facility premises only for specified purposes, as authorized by the court order, and only with prior approval of the resident's assigned community corrections officer, treatment provider, and the Secure Community Transition Facility program manager. Reasons for leaving the facility may include treatment, employment interviews, employment training, and other activities, such as family visits, that are specifically addressed in the resident's treatment plan.
- x. Individual electronic monitoring devices. Unless otherwise ordered by the court, each resident must wear an individual electronic monitoring device.

Section 4 **Zoning Code Residential Matrix**

The Zoning Code Residential Matrix shall be amended to reflect the conditional use of Secure Community Transition Facility for the zones listed above.

Section 5 **Effective Date.**

This ordinance shall be in full force 5 days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 20th day of August 2002.



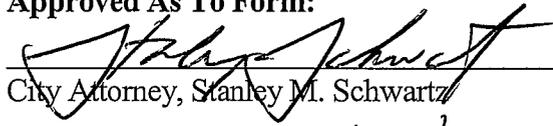
Mayor, Steve Peterson

ATTEST:



City Clerk, Arlene Fisher

Approved As To Form:



City Attorney, Stanley M. Schwartz

Date of Publication: 8/29/02

Effective Date: 9/3/02



Potential SCTF Siting Locations  UR-12 & UR-22 Zones

SCTF's shall not be located adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration.