

ORDINANCE NO. 3853

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE; AND ESTABLISHING A NEW ZONING CODE CHAPTER 78 CREATING A SECURE COMMUNITY TRANSITION FACILITY OVERLAY ZONE TO PROVIDE FOR THE SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES (FILE NO. IV-02-32).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated July 26, 2002 and bearing Kirkland Department of Planning and Community Development File No. IV-02-32; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on July 25, 2002, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, the Houghton Community Council held a public hearing on July 22, 2002 and recommended approval of the amendments as proposed; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

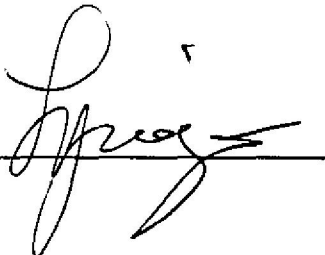
Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 6th day of August, 2002.

SIGNED IN AUTHENTICATION thereof this 6th day of August, 2002.



Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

ATTACHMENT A

A new definition is hereby added to Chapter 5 KZC, to read as follows:

5.10.826 Secure Community Transition Facility (SCTF) - A facility as defined by RCW 71.09.020, now or as hereafter amended.

A new Chapter 78 - Secure Community Transition Facility Overlay Zone is hereby added to the Kirkland Zoning Code, Ordinance 3719, as amended, to read as follows:

Sections:

- 78.05 User Guide
- 78.10 Intent
- 78.15 Designation
- 78.20 Effect - General
- 78.25 Effect - Uses Allowed
- 78.30 Effect - Subsequent Modification of Use
- 78.35 Effect - Standards and Requirements for Secure Community Transition Facilities
- 78.40 Bonds

78.05 User Guide

This chapter establishes areas within the city in which a Secure Community Transition Facility (SCTF) may be located, subject to the procedures and regulations contained herein. These regulations add to and in some cases supersede the other regulations of this code.

If you are interested in operating an SCTF in the city limits or if you wish to participate in the City's decision on a proposed SCTF, you should read this chapter.

78.10 Intent

The intent of this chapter is to provide a mechanism which allows the City and its citizens to participate to the maximum extent possible in proposals by the State of Washington Department of Social and Health Services related to the siting or conduct of SCTF, while complying with the Growth Management Act and State laws mandating local accommodation of SCTF.

78.15 Designation

All properties which meet the following criteria are designated as lying within the SCTF Overlay Zone:

1. The underlying zone in which the property is located does not permit residential use; and
2. No portion of the property is located adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" or "risk potential facility" as defined in RCW 71.09.020(7), now or as hereafter amended, which currently includes:
 - a. Public and private schools;
 - b. School bus stops;
 - c. Licensed day care and licensed preschool facilities;
 - d. Public parks, publicly dedicated trails, and sports fields;
 - e. Recreational and community centers;
 - f. Churches, synagogues, temples, and mosques; and

- g. Public libraries.

78.20 Effect - General

Properties within the SCTF Overlay Zone may develop and be used in accordance with the underlying zone. In addition, properties within the SCTF Overlay Zone may be developed and used as an SCTF in accordance with this chapter. To the extent that the provisions in this chapter conflict with any other requirements of this code, the provisions of this chapter govern. Where no conflict exists, the other requirements of this code apply.

78.25 Effect - Uses Allowed

The following uses may be permitted in an SCTF Overlay Zone:

1. Any uses that are permitted in the underlying zone. The City will review and decide upon these uses based on the provisions of this code as if the SCTF Overlay Zone did not exist.
2. A Secure Community Transition Facility. The City will review and decide upon the proposed use or activity using Process IIB, described in Chapter 152 KZC, and will approve the use only if it finds that:
 - a. The SCTF satisfies the standards and requirements for SCTF uses identified in KZC 78.35 below.
 - b. The proposed use satisfies the Process IIB decisional criteria of KZC 152.70.3.

78.30 Effect - Subsequent Modification of Use

1. Any use that is permitted in the underlying zone may be modified according to the modification criteria established in the Kirkland Zoning Code for the review process through which the use was originally approved.
2. A proposed modification to an approved SCTF shall be subject to the modification criteria of KZC 152.125.2, provided that any proposed increase in the number of resident beds shall require an entirely new Process IIB application.

78.35 Effect - Standards and Requirements for Secure Community Transition Facilities

1. Use and Operation
 - a. The applicant must demonstrate that the facility meets the definition of Secure Community Transition Facility.
 - b. The SCTF and its operator must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
 - c. The applicant must demonstrate compliance with State of Washington Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, now or as hereafter amended.
 - d. The applicant must demonstrate compliance with the requirements of RCW Sections 71.09.285 through 71.09.340 inclusive, now or as hereafter amended.
 - e. Each SCTF may provide a maximum of 6 resident beds.

For the purposes of this section, the applicant must demonstrate compliance with the cited guidelines and statutory provisions through a written description specifically describing the steps taken to satisfy such guidelines or statutory requirements. In the event that compliance with the cited guidelines and statutory provisions can occur only during the construction of the SCTF or during its operation, then the applicant shall set forth the specific steps that will be taken to comply with such provisions, and such steps shall be made a condition of the Process IIB approval for the SCTF.

2. Site Development Standards

- a. Required Yards: Front - 20'; Side - 10' each side; Rear - 10'.
- b. Maximum Lot Coverage: 70%.
- c. Maximum Structure Height: 30 feet above Average Building Elevation.
- d. Fencing: The SCTF site shall be enclosed by a solid screening fence, 6' in height, or provide equivalent visual screening.
- e. Required Landscaping: The requirements of Chapter 95 apply. An SCTF shall satisfy the requirements of Landscape Category A pursuant to KZC 95.10, except that if an SCTF is proposed adjoining a commercial or industrial use or zone, the SCTF must comply with KZC 95.15.20 and 95.25(3) (Buffering Standard 3). The landscape buffers shall be placed between the property line and the solid screening fence.
- f. Sign Category: B, pursuant to Chapter 100 KZC.
- g. Required Parking Spaces: To be determined on a case-by-case basis, pursuant to KZC 105.25, but at least one space per staff person on duty at any one time plus at least one visitor space.

3. Conditions

- a. The City may impose conditions to mitigate any potential adverse impacts of the SCTF on surrounding uses, except that for the requirements specifically addressed in RCW 71.09.285 through 71.09.340 inclusive, now or as hereafter amended, such conditions may not impose restrictions on the SCTF greater than those set forth in the cited statutory provisions.
- b. The City shall condition any approved SCTF limiting the number of resident beds to that requested in the Process IIB application. Any proposed increase in the number of beds shall require a new Process IIB application.

78.40 Bonds

The City may require a bond under Chapter 175 KZC to insure compliance with this chapter or any conditions of approval.

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PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AND ESTABLISHING A NEW ZONING CODE CHAPTER 78 CREATING A SECURE COMMUNITY TRANSITION FACILITY OVERLAY ZONE TO PROVIDE FOR THE SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES (FILE NO. IV-02-32).

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 6th day of August, 2002.

I certify that the foregoing is a summary of Ordinance 3853
approved by the Kirkland City Council for summary publication.

Attest:


City Clerk

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