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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

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Creating Solutions for Our Future

MEMORANDUM

TO: Thurston County Planning Commission

FROM: Ana Rodriguez, Associate Planner; Andrew Boughan, Interim Senior Planner

DATE: April 17, 2024

SUBJECT: Work Session #1: Less Restrictive Alternative (LRA) Community Housing Code Update

PURPOSE

The purpose of this meeting is to introduce draft code language for Less Restrictive Alternative (LRA) Community Housing. At this work session, staff will provide background information on LRA Community Housing, legal parameters, and draft code language in Title 20.

PROJECT DESCRIPTION

The Less Restrictive Alternative (LRA) Community Housing Code Update is A-30 on the 2024-2025 Development Code Docket. The project is ranked 4 out of 12 development code projects. At this briefing, staff will provide a draft code from Title 20 and return on May 1, 2024 with the code language for Titles 21, 22, and 23.

Background

In Washington state, there are two types of less restrictive alternatives into which courts can place individuals: secure community transition facilities operated by the Department of Social and Health Services (DSHS) and community housing operated by a private provider. In 2021, the state amended Chapter 71.09 RCW to allow private operators and shift from state-operated to privately-operated facilities. This code update aims to address the growing demand for these facilities. LRA Community Housing Code Update outlines the requirements and standards for facilities owned and operated by a private provider.

In 2023, a private firm under contract with Washington State Department of Corrections proposed an LRA community housing facility outside the city of Tenino. At that time, the county

became aware that there were limited permitting triggers to review such proposals and no opportunities for community input. Thus, triggering county staff and the Prosecuting Attorney's Office to review state law and county codes for possible options. The review revealed that state law limits local jurisdictions' ability to implement zoning regulations that can be applied to these types of facilities. However, there are no exceptions to the basic life safety requirements. Those basic standards include water and sanitation, food preparation and handling, and the adherence to building code.

Changes to County Code

Community Planning staff, the Prosecuting Attorney's Office, and Public Health and Social Services identified the following standards as legal and permissible for local jurisdictions. Amendments to Thurston County Code involve the following standards:

- Required special use permit from Hearing Examiner
- New definition for the use, including reference to state law requirements
- Permitted distribution across residential and commercial zoning districts
- Use-specific standards
 - Water supply, as defined in Article III of Thurston County Sanitary Code
 - Wastewater disposal, as defined in Article IV of Thurston County Sanitary Code
 - Food establishment operating permit
 - Conformity with building requirements

Development of the draft code requires creation of a new definition and integration into the appropriate chapters:

- Title 20
 - Definition in 20.03
 - New use call-out and standards in Special Use (20.54)
- Title 21
 - Definition in 21.06
 - New use call-out and standards in Special Uses (21.66)
- Title 22
 - Definition in 22.04
 - New use call-out RSR (22.08), SFL (22.10), SFM (22.12), MFM (22.14), MFH (22.16), NC (22.18), MU (22.20), GC (22.22)
 - New use call-out and standards in Special Use Permits (22.56)
- Title 23
 - Definition in 23.02
 - New use call-out and standards in Residential Districts (23.04), Villages and Centers (23.05), Commercial Districts (23.06)

Staff has provided the Title 20 draft code in Attachment B.

NEXT STEPS

- May 1, 2024: Follow-up briefing and set the public hearing (Tentative)

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- June 5, 2024: Public hearing and final action (Tentative)

ATTACHMENTS

- Attachment A – LRA Community Housing Code Update – Presentation
- Attachment B – LRA Code Update – Title 20

**Thurston County
Community Planning & Economic Development Department
Community Planning Division**

**PLANNING COMMISSION
DELIBERATIVE DRAFT**

**Less Restrictive Alternative (LRA)
Community Housing**

Section I: Title 20, Chapter 20.03 – Structure, Interpretations and Definitions
Section II: Title 20, Chapter 20.54 – Special Use*

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Staff Comments:	<i>Italics</i>	Unaffected Omitted Text	...

ATTACHMENT A

Less Restrictive Alternative (LRA) Community Housing

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I. Thurston County Code Chapter 20.03 TCC (STRUCTURE, INTERPRETATIONS AND DEFINITIONS) shall be amended to read as follows:

...

20.03.040 – Definitions.

...

72.1 "Kitchen" means any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen. The meaning of "kitchen" shall exclude a bar or butler's pantry

72.3 "Less Restrictive Alternative (LRA) Community Housing" means a residence used to house people for court-ordered treatment in a setting less restrictive than total confinement and that satisfies the conditions in RCW 71.09.092. Less restrictive alternative community housing is operated by a private provider and may offer twenty-four-hour staffing and trained escorts.

72.43 "Limited areas of more intensive rural development (LAMIRD)" means a zoning district containing rural development at a density exceeding one dwelling unit per five acres, established pursuant to RCW 36.70A.070(5)(d). LAMIRDs are limited to areas of development established before July 1, 1990 (the date Thurston County was required to plan under the Growth Management Act), with limited potential for infill development, and defined by logical outer boundaries.

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II. Thurston County Code Chapter TCC 20.54 (SPECIAL USE*) shall be amended to read as follows:

...

20.54.065 – Applications for essential public facilities.

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Table 1

Special Uses—Distribution in County Zoning Districts

Uses listed below are prohibited unless specifically identified as allowable through special use review, or unless listed as a permitted or primary use within an individual zoning district chapter.

USE		R 1/20	R 1/10	RRR 1/5	RR 1/5	UR 1/5	RL 1/2	RL 1/1	RL 2/1	R 3— 6/1	R 4— 16/1	LI	RRI	PI	NC	RCC	AC	HC	SL 1	MGSA 2	LTA	NA	LTF	PP	MR	AOD	MEI
19.	Kennels—11 + dogs	X	X	X	X		X	X												X							
19.5	Less Restrictive Alternative (LRA) Community Housing	X	X	X	X	X	X	X	X	X	X				X	X	X	X			X		X		X		X
20.	Major energy trans./generators*	X	X	X	X	X	X	X	X	X	X					X	X	X			X		X		X		

...

20.54.070 – Use-Specific standards.

The following standards apply to specific special uses and are in addition to those established in other sections of this chapter. The zoning districts in which a special use is authorized are identified in Table 1.

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19.5 Less Restrictive Alternative (LRA) Community Housing

- a. An applicant for LRA Community Housing must demonstrate that all applicable requirements under chapter 71.09 RCW have been met, including all applicable contractual agreements with Washington State Department of Social and Health Services (DSHS).
- b. LRA Community Housing shall be served by an approved public water supply and wastewater disposal.
 1. Water: An approved public water system is required for facilities that serve the public, engage employees, and/or prepare food for the facility as defined in Article III of the Thurston County Sanitary Code.
 2. Wastewater Disposal: The facility must be served by sanitary sewer or a conforming and approved on-site sewage system as defined in Article IV of the Thurston County Sanitary Code.

- c. A Food Establishment Operating Permit is required if any food or beverage requiring temperature control is stored, prepared, or served to facility occupants by staff.
- d. LRA Community Housing shall be any residential building type permitted in Title 14, Buildings and Construction.
- e. LRA Community Housing shall conform with Title 20 and all other applicable codes and ordinances.

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