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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

MEMORANDUM

TO: Thurston County Planning Commission

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

DATE: May 1, 2024

SUBJECT: Work Session #2: Less Restrictive Alternative (LRA) Community Housing Code Update

PURPOSE

The purpose of this meeting is to follow up on discussion points raised during the Planning Commission work session on April 17, 2024.

FOLLOW UP TOPICS

At the meeting on April 17, 2024, the Planning Commission inquired about the following topics: McNeil Island, LRA Community Housing definition, and next steps for noticing.

McNeil Island Closure

In February 2023, the DSHS media relations manager stated that there are no plans to close the total confinement facility on McNeil Island. More information is outlined in this [news article](#). Information about McNeil Island's special commitment center can be found on the [DSHS website](#).

Specifying Levels of Offenders in Definition

We are unable to specify the levels of offenders who would qualify to be committed to these facilities.

Requiring 24-Hour Oversight

Per Chapter 71.09 RCW, 24-hour staffing is not required. Therefore, it could be considered an overreach by local government and should not be required in code. Residents released to less restrictive alternatives are subject to monitoring requirements and supervision as outlined by

the courts. Conditions of supervision are based on the needs of each resident. More information can be found on the [DSHS website](#).

Developing Transparent LRA Use Name and Definition

The term "Less Restrictive Alternative Community Housing" can change so long as the definition remains accurate. Whether the term "sex offender" is included in the name is a policy decision. These facilities are not meant to stigmatize the residents but rather reintroduce past offenders back into society.

NEXT STEPS

- June 5, 2024: Public hearing and final action

ATTACHMENTS

- Attachment A – LRA Community Housing Code Update 05-01-24 – Presentation
- Attachment B – PC Public Hearing Draft Ordinance – Titles 20-23

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*
Section III:	Title 21, Chapter 21.06 - Definitions
Section IV:	Title 21, Chapter 21.66 – Special Uses
Section V:	Title 22, Chapter 22.04 – Definitions
Section VI:	Title 22, Chapter 22.08 – Residential/Sensitive Resource Zone District
Section VII:	Title 22, Chapter 22.10 – Single-Family Low Density Residential Zone District
Section VIII:	Title 22, Chapter 22.12 – Single-Family Medium Density Residential Zone District
Section IX:	Title 22, Chapter 22.14 – Multifamily Medium Density Residential Zone District
Section X:	Title 22, Chapter 22.16 – Multifamily High Density Residential Zone District
Section XI:	Title 22, Chapter 22.18 – Neighborhood Commercial Zone
Section XII:	Title 22, Chapter 22.20 – Mixed Use Zone District
Section XIII:	Title 22, Chapter 22.22 – General Commercial Zone District
Section XIV:	Title 22, 22.56 – Special Use Permits
Section XV:	Title 23, Chapter 23.02 – General Provisions
Section XVI:	Title 23, Chapter 23.04 – Residential Districts
Section XVII:	Title 23, Chapter 23.05 – Villages and Centers
Section XVIII:	Title 23, Chapter 23.06 – Commercial Districts

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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.

...

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.

...

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 <u>Less Restrictive Alternative (LRA) Community Housing</u>	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.

...

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.

...

III. Thurston County Code Chapter 21.06 TCC (DEFINITIONS) shall be amended to read as follows:

...

21.06 – Definitions

...

21.06.405 "Lacey urban growth area (UGA)" means the unincorporated urban growth area for the city of Lacey as identified on the "Comprehensive Plan Map for Lacey Growth Area" in the City of Lacey and Thurston County Land Use Element for the City of Lacey and the Lacey Urban Growth Area, dated October 1994, in the custody of the Thurston County planning department.

21.06.410 "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.

21.06.42010 "Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this title.

...

IV. Thurston County Code Chapter TCC 21.66 (SPECIAL USES) shall be amended to read as follows:

...

21.66.020 – Permitted uses.

Specific types of uses permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the county, are categorized and identified as follows:

A. Personal or community service facilities such as:

1. Nursery schools and preschools;
2. Child day care centers when proposed in those districts specified in Chapter 21.65;
3. Funeral parlors, mortuaries and crematoria;
4. Senior citizen centers;
5. Nursing homes, convalescent care facilities;
6. Cemeteries;
7. Secure community transition facilities, subject to the standards in this chapter; and
8. Less Restrictive Alternative (LRA) Community Housing, subject to the standards in this chapter.

...

21.66.060 – Use specific standards.

A. Less Restrictive Alternative (LRA) Community Housing. Less Restrictive Alternative (LRA) Community Housing shall only be permitted districts that permit residential development, subject to the following standards.

- 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 21 and all other applicable codes and ordinances.

B.-A. Secure Community Transition Facilities. Secure community transition facilities shall only be permitted in the Light Industrial District, subject to the following standards.

...

V. **Thurston County Code Chapter TCC 22.04 (DEFINITIONS) shall be amended to read as follows:**

...

22.04.300 "Kitchen" means any room or rooms or portion of a room or rooms used, intended or designed to be used, for cooking or the preparation of food. A kitchen design would include plumbing and electrical hookup for normal kitchen appliances.

22.04.305 "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.

22.04.309305 "Loading space" means an off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

...

VI. **Thurston County Code Chapter TCC 22.08 (RESIDENTIAL/SENSITIVE RESOURCE ZONE DISTRICT (RSR)) shall be amended to read as follows:**

...

22.08.040 – Special uses.

Special uses in the RSR zone district are as follows:

...

G. Wireless communication facilities and other antenna support structures;

H. Temporary uses;

I. Less restrictive alternative (LRA) community housing.

...

VII. Thurston County Code Chapter TCC 22.10 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL ZONE DISTRICT (SFL)) shall be amended to read as follows:

...

22.10.040 – Special uses.

Special uses in the SFL zone district are as follows:

...

G. Wireless communication facilities and other antenna support structures;

H. Temporary uses;

I. Less restrictive alternative (LRA) community housing.

...

VIII. Thurston County Code Chapter TCC 22.12 (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT (SFM)) shall be amended to read as follows:

...

22.12.040 – Special uses.

Special uses in the SFM zone district are as follows:

...

I. Wireless communication facilities and other antenna support structures;

J. Temporary uses;

K. Less restrictive alternative (LRA) community housing.

...

IX. Thurston County Code Chapter TCC 22.14 (MULTIFAMILY MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT (MFM)) shall be amended to read as follows:

...

22.14.040 – Special uses.

Special uses in the MFM zone district are as follows:

...

- N. Temporary uses;
- O. Senior housing facilities;
- P. Less restrictive alternative (LRA) community housing.

...

X. Thurston County Code Chapter TCC 22.16 (MULTIFAMILY HIGH DENSITY RESIDENTIAL ZONE DISTRICT (MFH)) shall be amended to read as follows:

...

22.16.040 Special uses.

Special uses in the MFH zone district are as follows:

...

- L. Temporary uses;
- M. Senior housing facilities with a density greater than twenty-five but not exceeding twenty-nine units per acre;
- N. Less restrictive alternative (LRA) community housing.

...

XI. Thurston County Code Chapter TCC 22.18 (NEIGHBORHOOD COMMERCIAL ZONE DISTRICT (NC)) shall be amended to read as follows:

...

22.18.040 Special uses.

Special uses in the NC zone district are as follows:

...

- I. Temporary uses;
- J. Senior housing facilities;
- K. Less restrictive alternative (LRA) community housing.

...

XII. Thurston County Code Chapter TCC 22.20 (MIXED USE ZONE DISTRICT (MU)) shall be amended to read as follows:

...

22.20.040 – Special uses.

Special uses in the MU zone district are as follows:

...

K. Automobile service stations;

L. Wireless communication facilities and other antenna support structures;

M. Less restrictive alternative (LRA) community housing.

...

XIII. Thurston County Code Chapter TCC 22.22 (GENERAL COMMERCIAL ZONE DISTRICT (GC)) shall be amended to read as follows:

...

22.22.040 – Special uses.

Special uses in the GC zone district are as follows:

...

O. Wireless communication facilities and other antenna support structures;

P. Temporary uses;

Q. Less restrictive alternative (LRA) community housing.

...

XIV. Thurston County Code Chapter TCC 22.56 (SPECIAL USE PERMITS) shall be amended to read as follows:

...

22.56.242 Less restrictive alternative (LRA) community housing

A. Less restrictive alternative (LRA) community housing is permitted as a special use in RSR, SFL, SFM, MFM, MFH, NC, MU, and GC zoning districts.

B. 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).

C. 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.

D. 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.

E. LRA Community Housing shall be any residential building type permitted in Title 14, Buildings and Construction.

F. LRA Community Housing shall conform with Title 22 and all other applicable codes and ordinances

22.56.2432 Secure community transition facilities

...

Figure 22.56.260A

Tumwater UGA Essential Public Facility
Siting Policies for County Zoning

EPF Code	Tumwater UGA Zones													
	RSR	SFL	SFM	MFM	MFH	MU	NC	GC	CD	LI	HI	BP	GB	OS
K	S	S	S	S	S	S	S	S	S	S	S	S		
<u>L</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>					

...

Figure 22.56.260B

EPF (Essential Public Facility) Codes

Tumwater UGA List of Essential Public Facilities	
Essential Public Facility Code	Essential Public Facility
K	Secure community transition facilities
<u>L</u>	<u>Less restrictive alternative (LRA) community housing</u>

...

XV. Thurston County Code Chapter TCC 23.02 (GENERAL PROVISIONS) shall be amended to read as follows:

...

23.02.180 – Definitions.

...

"Laundry and laundry pick-up agency" means an enterprise where articles of clothing, linen, etc., are washed, including self-service laundries as well as those where customers drop off articles to be laundered either on or off the premises, or dry-cleaned off the premises only. This includes diaper services, but not the following, which are classified as light industrial uses: dry-cleaning plants, linen supply services, carpet and upholstery cleaning plants, and industrial launderers.

"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.

"Local improvement: means a public improvement for the benefit of property owners provided to a specific area that benefits that area and that is usually paid for, at least in part, by a special assessment.

...

XVI. Thurston County Code Chapter TCC 23.04 (RESIDENTIAL DISTRICTS) shall be amended to read as follows:

...

23.04.040 – Permitted, special, and prohibited uses.

...

Table 4.01 Permitted and Special Uses									
District	R1/5	RLI 2-4	R-4	R 4-8	R 6-12	MR 7-13	MR 10-18	RM 18	Applicable Regulations
Historic House Museum			S	S	S	S	S	S	
<u>Less Restrictive Alternative (LRA)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>23.04.060(14.5)</u>

<u>Community Housing</u>									
Parking Lots and Structures									23.38.220 and 23.38.240

...

23.04.060 – Residential districts’ use standards.

...

14. Large Multifamily Housing Projects. To ensure that large multifamily housing projects contain a variety of building types and provide a transition to adjoining lower density development, multifamily projects shall be subject to the following requirements:

...

14.5. 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.
 - i. 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.
 - ii. 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 23 and all other applicable codes and ordinances
15. Manufactured Homes. Manufactured housing units placed on a lot outside of a manufactured or mobile home park shall comply with the following requirements:

...

XVII. Thurston County Code Chapter TCC 23.05 (VILLAGES AND CENTERS) shall be amended to read as follows:

...

23.05.040 – Permitted, special, required, and prohibited uses.

...

Table 5.01

Permitted, Special and Required Uses

District	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	Applicable Regulations
Hospice care	S	S	S	S	23.04.060(13)
<u>Less restrictive alternative (LRA) community housing</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>23.040.060(14.5)</u>
Nonprofit physical education facilities	S	S	S	S	

...

23.05.060 – Use standards.

...

C. Grocery Stores. Urban village (UV) and community oriented shopping center (COSC) district requirements: The maximum size for a grocery store shall be fifty thousand square feet of gross floor area.

D. Less Restrictive Alternative (LRA) Community Housing.

1. 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).
2. LRA Community Housing shall be served by an approved public water supply and wastewater disposal.
 - a. 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.
 - b. 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.

3. 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.
4. LRA Community Housing shall be any residential building type permitted in Title 14, Buildings and Construction.
5. LRA Community Housing shall conform with Title 23 and all other applicable codes and ordinances

...

XVIII. Thurston County Code Chapter TCC 23.06 (COMMERCIAL DISTRICTS) shall be amended to read as follows:

...

23.06.040 – Permitted, special, and prohibited uses.

...

Table 6.01

Permitted and Conditional Uses

Table 6.01, Permitted and Special Uses, identifies land used in the commercial districts which are permitted outright (P) or subject to a special use permit (S). The applicable requirements for these uses and activities are identified by a number referencing the list of use regulations under Section 23.06.060, Commercial districts' use standards.

Commercial District	NR	PO/RM	GC	MS	AC	Applicable Regulations
Less restrictive alternative housing pursuant to RCW 71.09.092	S	S	S	S	S	RCW 71.09.092
<u>Less restrictive alternative (LRA) community housing</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	23.04.060(14.5)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		S	S			23.06.060G

...

23.06.060 – Commercial districts' use standards.

...

- CC. Ministorage—Existing. Ministorage establishments legally established as of August 27, 2001 are permitted uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. The maximum gross floor area for these ministorage establishments shall be ten thousand (10,000) square feet.

DD. Less Restrictive Alternative (LRA) Community Housing.

1. An applicant for LRA Community Housing must demonstrate that all applicable requirements under chapter 71.09 RCW have been met, including all applicable contractual requirements with Washington State Department of Social and Health Services (DSHS).
2. LRA Community Housing shall be served by an approved public water supply and wastewater disposal.
 - a. 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.
 - b. 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.
3. 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.
4. LRA Community Housing shall be any residential building type permitted in Title 14, Buildings and Construction.
5. LRA Community Housing shall conform with Title 23 and all other applicable codes and ordinances

...