



Less Restrictive Alternative (LRA) Community Housing Code Update

Board Work Session

October 2, 2024

Presented by: Ashley Arai, Interim CPED Director

Created by: Ana Rodriguez, Associate Planner

Overview of Today's Briefing

- Process to Date
- Proposed New Definition
- Business Licensing
- Next Steps

Process to Date

April 17, 2024 & May 1, 2024: PC Work Session #1 and #2

June 5, 2024: PC Public Hearing & Work Session #3

June 26, 2024: PC Work Session #4 & Final Recommendation

August 21, 2024: BoCC Introductory Brief

October 2, 2024: BoCC Follow-up Brief

Definition

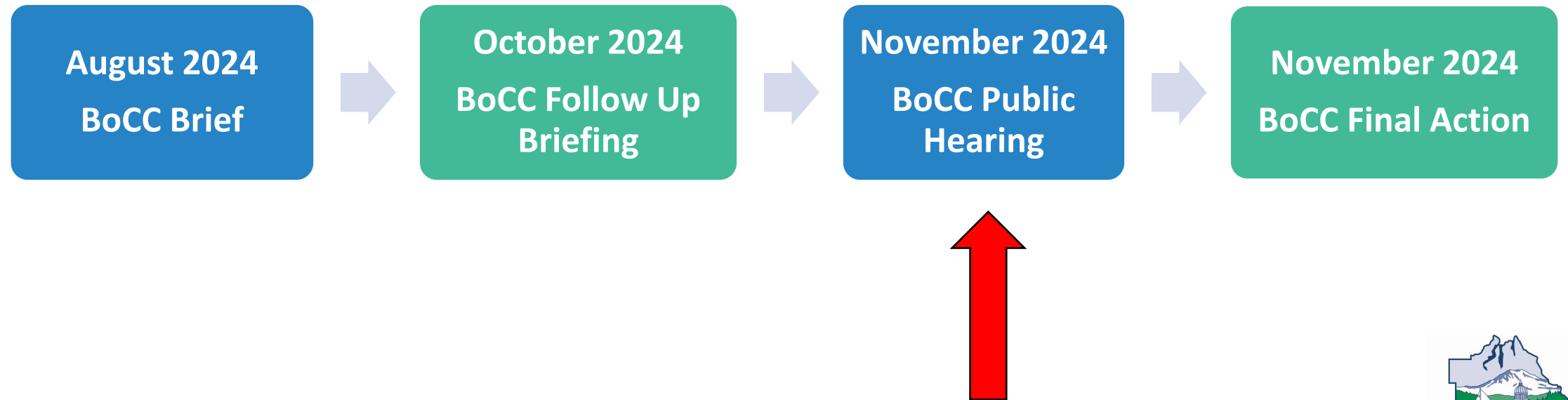
Draft Definition	Proposed New Definition
<p>"Less Restrictive Alternative (LRA) Community Housing" means a residence used to house people for court-ordered treatment in a setting less restrictive than total confinement and that satisfies the conditions in RCW 71.09.092. Less restrictive alternative community housing is operated by a private provider and may offer twenty-four-hour staffing and trained escorts.</p>	<p>"Less Restrictive Alternative (LRA) Community Housing" means a residence used to house sex offenders for court-ordered treatment in a setting less restrictive than total confinement and that satisfies the conditions in RCW 71.09.092. <u>Siting and approval of a LRA facility is determined by the State Department of Social and Health Services, pursuant to Chapter 71.09 RCW.</u> Less restrictive alternative community housing is operated by a private provider and may offer twenty-four-hour staffing and trained escorts.</p>

Business Licensing

- Staff met with Auditor Hall on September 10
- Current program is narrowly scoped and doesn't have the resources or expertise to monitor privately-run residential facilities.



Next Steps





Thank you!

Ana Rodriguez, Associate Planner

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ATTACHMENT A

Less Restrictive Alternative (LRA) Community Housing

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

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

...

Attachment C - Public Comments

Respondent ID	Date	Name:	Email Address	Zip Code	Area You Reside	you support the LRA Update Less Restrictive Alternative (LRA) Community Housing Code Update Public Comment			
		Open-Ended Response	Open-Ended Response			Yes	Yes w/ Changes	No	Open-Ended Response
118622157270	2024-06-07 07:40:29	RK Buffy	rkbuffy@comcast.net	98501			X		<p>Good afternoon, I thank you for the opportunity to submit public comment in regards to the proposal regarding Less Restrictive Alternatives and Sexually Violent Predator releases. One item for clarification is that the official proposal document says on the first page on lines 21-22, that "Offenders may be placed in LRA Housing if courts determine they no longer meet the definition of 'sexually violent predator'". To confirm; every proposed LRA placement is for offenders who are currently rated as Sexually Violent Predators. These offenders are unconditionally released once they are no longer classified as Sexually Violent Predators. To review current community notification requirements: there are NONE. NONE. Below information is published by DSHS in February 2023: (https://www.dshs.wa.gov/sites/default/files/os/DSHS_SCC_FAQ_Feb_2023.pdf) Legally, the SVP placement in an LRA constitutes a relocation of a level 3 sex offender and they are required to register their address. The sheriff's office adds this information to the online sex offender registry. RCW 4.24.550 addresses "release of information to public" and indicates that counties shall post the information online within five days. It is up to local law enforcement to determine how they may want to additionally distribute information. Thank God for Sheriff Sanders, right? Local law enforcement has been added to the database. The lack of requirement to identify releases as SVP's will hamper the county's ability to ensure LRA's meet zoning requirements and ordinances. Per Attorney General Bob Ferguson's 2021 legal opinion letter (https://www.atg.wa.gov/ago-opinions/release-less-restrictive-alternative): "Local governments may not categorically prohibit or restrict the release or less restrictive alternative placement of a person involuntarily committed to a ...facility under RCW 71.05, RCW 10.77, or RCW 71.09. Attempts to do so through local ordinance may risk violating state or federal constitutions or statutes." This is what restricts our ability to limit LRA's at face value. There cannot be any county zoning relating to WHO resides in Sexual predators are more than likely to be clinically diagnosed with anti-personality disorder the cluster B area is the area that I am referencing and through personal experiences throughout my life as a drug addict I have ran into these predators and been victimized as a suicidal drug addict that has been to prison twice and that would of been avoided if not for these types of pyscopathic predators I am being treated with methadone at the evergreen treatment center and been going to BHR for therapy so no they can stay confined victims are more important than pyscopathic sexual predators. Thank you Brian L Carlson</p>
118616845380	2024-05-31 09:01:29	Brian L Carlson	carlsonb806@gmail.com	98516	(43.67, 27.72)			X	
118600135454	2024-05-09 11:48:35	Leilani Macmillan	leilani2025@gmail.com	98501			X		<p>I want to give you a public opinion. A Sex Offender should and must be CASTRATED, especially before any doors open back into the public. The mind that did the offense is still there. It can happen again. Just like having a weapon, same as a gun, the ammo must be removed, permanently. Would you release an offender and let him leave with a gun and ammo in his pocket? No? Then, permanent Castration and removal of "parts" must be done before release into the public, or everyone who released him is also guilty of any repeated sexual crimes.</p>

Respondent ID: 118622157270

Date: 6/7/2024 7:40:29 AM

Name: RK Buffy

Email Address: rkbuffy@comcast.net

Zip Code: 98501

Do you support the LRA Update?" Yes with changes

Good afternoon, Thank you for the opportunity to submit public comment in regards to the proposal regarding Less Restrictive Alternatives and Sexually Violent Predator releases. One item for clarification is that the official proposal document says on the first page on lines 21-22, that "Offenders may be placed in LRA Housing if courts determine they no longer meet the definition of 'sexually violent predator'". To confirm; every proposed LRA placement is for offenders who are currently rated as Sexually Violent Predators. These offenders are unconditionally released once they are no longer classified as Sexually Violent Predators. To review current community notification requirements: there are NONE. NONE. Below information is published by DSHS in February 2023: (https://www.dshs.wa.gov/sites/default/files/os/DSHS_SCC_FAQ_Feb_2023.pdf) Legally, the SVP placement in an LRA constitutes a relocation of a level 3 sex offender and they are required to register their address. The sheriff's office adds this information to the online sex offender registry. RCW 4.24.550 addresses "release of information to public" and indicates that counties shall post the information online within five days. It is up to local law enforcement to determine how they may want to additionally distribute information. Thank God for Sheriff Sanders, right? Local law enforcement may have no indication that an offender is an SVP, and this is difficult to determine unless one has an updated roster from DSHS (which requires a public disclosure request and is dependent on DSHS' timeframe for disclosure). The RCW indicates that the registry shall be searchable by county, but it currently is not (www.wasor.org). One would have to type hundreds of addresses daily to cross-reference to see if a new sex offender has been added to the database. The lack of requirement to identify releases as SVP's will hamper the county's ability to ensure LRA's meet zoning requirements and ordinances. Per Attorney General Bob Ferguson's 2021 legal opinion letter (<https://www.atg.wa.gov/ago-opinions/release-less-restrictive-alternative>): "Local governments may not categorically prohibit or restrict the release or less restrictive alternative placement of a person involuntarily committed to a ...facility under RCW 71.05, RCW 10.77, or RCW 71.09. Attempts to do so through local ordinance may risk violating state or federal constitutions or statutes." This is what restricts our ability to limit LRA's at face value. There cannot be any county zoning relating to WHO resides in the home... just in relation to the NUMBER of residents. As seen with the Tenino case, business owners strategically lowered the number of residents. The Supreme Living contract went from an initial planned eight SVP's to six, then to five to avoid zoning and permitting requirements that would bring public scrutiny to their intended use. Those seeking contracts to house SVP's will simply downsize to avoid detection. As we saw in Rochester, some LRA's are simply a room rented from a private homeowner. In that case, a sister of the offender had already allowed him to stay at the family home and to sexually assault young family members during his previous LRA release there. Per this proposal, how would a single resident "room rented from a private landlord" LRA situation be addressed? These would be more likely to be the norm (like the release of Mitchell Gaff into Olympia in 2018 prior to his recent return to custody with evidence of commission of a sexual assault and homicide). In Sex Offender Policy Board reports, they note an inability to gain a full view of the financials of the LRA

program because many of the placements are not contracted. They remark that some of the placements are simply rooms rented from another sex offender. The danger of uncontracted placements is that there is no accountability for funds, housing standards, or requirement for the landlord to provide oversight or reporting of violations. Privatizing this as a for-profit enterprise also incentivizes providers and landlords NOT to report any issues or violations for fear of losing their meal ticket. It creates additional barriers to disclosure of public records, as business members are not considered employees of the state. We've also seen in Enumclaw's Garden House LRA a major conflict of interest where a polygraph technician performed tests on SVP's who were then cleared to be released to the LRA he owned. The Sex Offender Policy Board also reported that in many cases the rooms or homes had safety concerns. There were reports of mold, lack of heat, lack of potable water, etc. The state places taxpayers at risk of lawsuits from SVP's by allowing these placements. These are all issues that can be addressed by requiring each LRA to be fully contracted. Since these LRA's are not required to be contracted, the county would have no way to identify if an LRA was being proposed for the area. The Thurston County Prosecuting Attorney's Office took the extraordinary step of writing a formal letter to the Sex Offender Policy Board proposing that receiving counties be granted legal standing in court proceedings where an LRA was being proposed for their jurisdiction. Unfortunately, their comments during the meeting were interrupted and muted. My hope is that the county may be able to advocate with the Prosecuting Attorney's Office to request legal standing in any proposed releases into Thurston County, as these have overwhelmingly been heard by judges from other counties due in part to the Fair Share principle. Allowing Thurston County to have legal standing would permit citizens to share concerns with the Prosecuting Attorney's Office for communication to the court for consideration. It would allow people who KNOW the area to bring up specific concerns that may not be identified by the Department of Correction's siting review. In Poulsbo's well-known work to limit unsafe LRA placements, it was determined too late that a bus stop was located directly outside of the Viking Way home. Since it was not a school bus stop, this was accepted by the court as a reasonable risk. The community brought forward concerns that children were utilizing the bus stop. An SVP admitted to watching the children and fantasizing about them. The ankle monitor parameters would have permitted him to travel to the bus stop and back without alarm. THESE are the kind of details that the counties can provide about specific proposed locations because we live and work here. Supporting the Thurston County Prosecuting Attorney's proposal to request legal standing would allow every community a voice in court when these releases are considered and would give them notice when an LRA is proposed in their neighborhood. I support the Board of County Commissioners' attempts to address the lack of community notification of LRA's. My hope was to shed some light on the challenges with current policies and to encourage a way forward in tandem with the Prosecuting Attorney's Office. I thank the Commissioners for their diligence in seeking solutions to balance community safety concerns with the requirements of LRA's.