BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING AN INTERLOCAL AGREEMENT REGARDING SITING OF ESSENTIAL PUBLIC FACILITIES WITHIN SPOKANE COUNTY AND TO AMEND THE SPOKANE COUNTY DIVISION OF PLANNING’S ZONING AND LAND USE FEE SCHEDULE TO ADOPT A UNIFIED SPOKANE COUNTY REGIONAL SITING PROCESS ADMINISTRATION FEE

WHEREAS, pursuant to RCW 36.32.120(6), the Board of County Commissioners of Spokane County, Washington, hereinafter referred to as the “Board,” has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 36.70A, on November 5, 2001 the Board adopted a Comprehensive Plan and Capital Facilities Plan for Spokane County, hereinafter referred to as the “Comprehensive Plan” (County Resolution No. 1-1059); and

WHEREAS, on March 12, 2002 the Washington State Legislature declared an emergency and passed Engrossed Substitute Senate Bill 6594 (ESSB 6594) implementing the recommendations of the Joint Select Committee on the Equitable Distribution of Secure Community Transition Facilities, and on March 21, 2002 the Governor signed ESSB 6594; and

WHEREAS, pursuant to the provisions of ESSB 6594 Spokane County, along with all planning jurisdictions within the state of Washington, was mandated to amend its Comprehensive Plan to include a process for identifying and siting essential public facilities, hereinafter referred to as EPFs, including, among other facilities, secure community transition facilities as defined in RCW 71.09.020; and

WHEREAS, on August 13, 2002 pursuant to the provisions of RCW 36.70A(200)(1) and (2) the Board adopted an amendment to the Comprehensive Plan regarding siting of EPFs, including a revision to Comprehensive Plan Policy CF.15.1 relating to EPFs and the Spokane County Regional Siting Process for Essential Public Facilities (Spokane County Resolution No. 2-0812); and

WHEREAS, the Board’s Decision set forth in Spokane County Resolution No. 2-0812 included a directive to the Division of Planning Staff to prepare, in cooperation with all jurisdictions in Spokane County, an interlocal agreement outlining administrative procedures for the Spokane County Regional Siting Process for Essential Public Facilities; and
WHEREAS, pursuant to the above-referenced directive and the provisions of RCW 39.34 (Interlocal Cooperation Act), Spokane County, in cooperation with the City of Airway Heights, the City of Cheney, the Town of Deer Park, the Town of Fairfield, the Town of Latah, the City of Liberty Lake, the City of Medical Lake, the Town of Millwood, the Town of Rockford, the Town of Spangle, the City of Spokane, and the Town of Waverly, through staff assigned to the EPF Task Force, jointly prepared the Interlocal Agreement regarding Siting of Essential Public Facilities within Spokane County and its Attachment “A”, hereinafter collectively referred to as the “Interlocal Agreement for Siting EPFs” and which is attached hereto, incorporated herein by reference, and outlines particularly the administrative procedures for the Spokane County Regional Siting Process for Essential Public Facilities, and

WHEREAS, it has been acknowledged by all parties to the Interlocal Agreement for Siting EPFs that state and federal laws regarding siting requirements for certain types of essential public facilities will take precedence over the Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, it is the intent of all parties to the Interlocal Agreement for Siting EPFs that a) housing for persons with handicaps as defined under the Federal Fair Housing Act and b) housing for children in the custody of the state, which housing includes "community facilities" as defined in RCW 72.05.020 and facilities licensed under chapter 74.15 RCW are exempt from the Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, it is the intent of all parties to the Interlocal Agreement for Siting EPFs that housing for juveniles held in county detention facilities or state juvenile institutions as defined in RCW 13.40.020 is subject to the Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, the City of Airway Heights, the City of Cheney, the Town of Deer Park, the Town of Fairfield, the City of Liberty Lake, the Town of Millwood, and the Town of Spangle have adopted the Interlocal Agreement for Siting EPFs; and

WHEREAS, the Town of Latah, the City of Medical Lake, the Town of Rockford, the City of Spokane, and the Town of Waverly are in the process of adopting the Interlocal Agreement for Siting EPFs; and

WHEREAS, the Interlocal Agreement for Siting EPFs provides for the Board by Resolution to establish an application fee for applicants proposing to site an EPF of statewide or regional/countywide nature within any jurisdiction in Spokane County; and

WHEREAS, as part of the preparation of the Interlocal Agreement for Siting EPFs the EPF Task Force, recommended a unified Spokane County Regional Siting Process Administrative Fee of twelve hundred dollars ($1200) per applicant; and
WHEREAS, on April 23, 1985 the Board adopted a Division of Building and Planning Fee Schedule for Land Use Actions, Application, and/or Permits (County Resolution No. 85-0332) and on February 13, 1996 the Board amended said Fee Schedule (County Resolution No. 96-0174); and

WHEREAS, on November 19, 2002 the Board amended the above referenced Fee Schedule (County Resolution No. 2-1098); and

WHEREAS, included in the above referenced Fee Schedule is a provision for fees to be administratively adjusted annually based on the Consumer Price Index West B/C for population sizes of 1,500,000 and under; and

WHEREAS, pursuant to WAC 197-11-800(20), the adoption of administrative procedures and a fee schedule relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment is procedural and therefore categorically exempt from threshold determination and EIS requirements of the State Environmental Policy Act (SEPA); and

WHEREAS, after providing ten (10) days public notice, on January 21, 2003 the Board held a public hearing to receive public testimony both for and against the Interlocal Agreement for Siting EPFs, including a unified Spokane County Regional Siting Process Administrative Fee; and

WHEREAS, the Board, being desirous of giving the matter further consideration did determine to continue the public hearing to February 4, 2003, for decision only; and

WHEREAS, the Board, after considering the recommendation of the EPF Task Force regarding a unified Spokane County Regional Siting Process Administrative Fee, the Interlocal Agreement for Siting EPFs, and the records of the Division of Planning relating to EPFs, concurs with the recommendation of the EPF Task Force regarding a unified Spokane County Regional Siting Process Administrative Fee and Interlocal Agreement for Siting EPFs and determines the best interest of the general public, as well as its health, safety and welfare, will be met by the Board adopting the Interlocal Agreement regarding Siting of Essential Public Facilities within Spokane County and its Attachment “A”, including the unified Spokane County Regional Siting Process Administrative Fee.

NOW, THEREFORE, BE IT RESOLVED by the Board, after considering all of the above, that the Interlocal Agreement regarding Siting of Essential Public Facilities within Spokane County and its Attachment “A”, including the unified Spokane County Regional Siting Process Administrative Fee, attached hereto and incorporated herein by reference, be adopted; and

BE IT FURTHER RESOLVED that the Board does hereby adopt as Findings of Fact all recitals herein as well as the Board’s Decision dated August 13, 2002 as set forth in County Resolution No. 2-0812.
APPROVED THIS 4TH DAY OF FEBRUARY 2003.

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

Attest:
Vicky M. Dalton
Clerk of the Board

By: Daniela Erickson, Deputy

John Roskelley, Chair

Phillip D. Harris, Vice-Chair

M. Kate McCaslin, Commissioner
WHEREAS, the Growth Management Act (GMA), RCW 36.70A.200, requires that no local comprehensive plan or development regulation may preclude the siting of essential public facilities; and

WHEREAS, the GMA was amended in 2001 to expand the definition of essential public facilities to include secure community transition facilities for civilly committed sexual offenders; and

WHEREAS, the GMA was also amended in 2002 to include a September 1, 2002 deadline for all cities and counties planning under RCW 36.70A.040 to establish a process, or amend their existing process, for identifying and siting essential public facilities and adopt or amend development regulations as necessary to provide for the siting of secure community transition facilities; and

WHEREAS, the Countywide Planning Policies for Spokane County require the Steering Committee of Elected Officials to identify or establish siting and service delivery criteria for locating essential public facilities (CWPP 6.2) and implement a process for the equitable distribution of essential public facilities (CWPP 6.3); and

WHEREAS, on October 6, 1995, the Steering Committee of Elected Officials adopted the Essential Public Facilities Technical Committee’s recommended equitable distribution philosophy, a more detailed Countywide Planning Policy definition of an essential public facility and a definition of public service obligation; and

WHEREAS, on May 3, 1996, the Steering Committee of Elected Officials approved the Essential Public Facilities Technical Committee’s recommendation for the Model Project Review Process for the Siting of Essential Public Facilities, Interjurisdictional Consistency Review Process, and Inventory; and

WHEREAS, in 2001-2002, the Essential Public Facilities Task Force, with assistance from the Office of Community Development (OCD), the Department of Social and Health Services (DSHS), and technical staff from the jurisdictions, developed a regional siting process for essential public facilities titled Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, the Spokane County Regional Siting Process for Essential Public Facilities is based on the recommendations in the Growth Management Essential Public Facilities Technical Committee Report approved by the GMA Steering Committee of Elected Officials on May 3, 1996; and

WHEREAS, the Spokane County Regional Siting Process for Essential Public Facilities is the product of a concerted effort on the part of the Spokane County Essential Public Facilities Task Force and all jurisdictions within the county to respond to recent amendments to the GMA; and
WHEREAS, the Essential Public Facilities Task Force and all jurisdictions within Spokane County have continually sought consultation from affected agencies and provided them with opportunities for input throughout the course of creating the Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, the Spokane County Regional Siting Process for Essential Public Facilities will adequately provide for an objective location analysis, equitable distribution of essential public facilities throughout the county, and opportunities for input from affected agencies, jurisdictions and the general public; and

WHEREAS, all parties hereto acknowledge that state and federal laws regarding siting requirements for certain types of essential public facilities will take precedence over the Spokane County Regional Siting Process for Essential Public Facilities; and

WHEREAS, all parties hereto acknowledge that state and federal laws providing protections for housing for children in custody of the state or for persons with handicaps as defined under the Federal Fair Housing Act will take precedence over the Spokane County Regional Siting Process for Essential Public Facilities;

THEREFORE, Spokane County and the other signatory jurisdictions hereto hereby agree to the following regarding siting essential public facilities of a statewide or regional/countywide significance:

(1) Unless it is otherwise preempted by state or federal laws, the Spokane County Regional Siting Process for Essential Public Facilities (“Regional Siting Process”) will apply to any and all future efforts to site an essential public facility of statewide or regional/countywide significance within Spokane County.

(2) All jurisdictions will fully participate and cooperate in the implementation of the Regional Siting Process.

(3) The Regional Siting Process shall be implemented according to the administrative procedures outlined in Attachment “A” hereto, which is incorporated herein by this reference.

(4) Both the Regional Siting Process and this Interlocal Agreement are hereby endorsed in their current form with the understanding that they may also be amended from time to time, as need be. Amendment procedures shall include opportunities for public input, as required.

Adoption and attest pages follow, in alphabetical order, for all jurisdictions involved.
DATED: 2/4/2003

Board Of County Commissioners
Of Spokane County, Washington

John Roskelley, Chair

Philip D. Harris, Vice-Chair

M. Kate McCaslin, Commissioner

ATTEST:
Vicky M. Dalton
Clerk of the Board

By: Daniela Erickson, Deputy
Interlocal Agreement regarding Siting of Essential Public Facilities within Spokane County

ATTACHMENT “A”: Administrative Procedures

The following is an outline of administrative procedures that apply to the Spokane County Regional Siting Process for Essential Public Facilities, hereinafter referred to as “Regional Siting Process.” State and federal law containing procedural, hearing, notification, or other administrative requirements for siting a particular type of essential public facility, will take precedence over the following requirements. In addition, the following requirements shall not apply to the extent they would duplicate similar requirements in state law.

I. GENERAL INFORMATION

A. Lead Time:

There is nothing in the Regional Siting Process that would inherently require the process to take more than 180 days. However, because essential public facilities (EPFs) include those facilities that are typically difficult to site, a legitimate public participation process must make allowances for the extended comment periods, additional workshops, and continued hearings necessary to fully address the public’s concerns. The process for siting controversial facilities should allow enough lead time to accommodate any unforeseen delays.

B. Public Involvement:

It is the applicant’s responsibility to conduct an appropriate public participation program for the Regional Siting Process. Public involvement is a key part of the siting and decision process. While answers to some of the site selection criteria will be fairly straightforward and objective, assessment of other criteria may require a subjective judgment based on public opinion and community values. Some facilities are more controversial than others. To a large extent, the nature of the proposed facility will determine the appropriate level and type of citizen participation in the siting process.

Public comment may be submitted in response to any one of the published notices regarding an EPF proposal. Review periods of thirty (30) days allow for comments on the respective Functional and Qualitative Analysis. The Weighted Analysis requires a major and multi-faceted public participation component. The Board of County Commissioners of Spokane, Washington (hereinafter referred to as “Board”) hearing(s) on the Preferred Site List provides the final opportunity for public input.
during the Regional Siting Process. Appendix “B” to the Regional Siting Process (see jurisdictions’ adopted amendments) provides further guidelines and options for a public involvement strategy.

C. Notification:

It is the applicant’s responsibility to ensure that all notices are published in a timely manner and to provide written verification, in the form of an affidavit, that the notification has been properly given. Publication is triggered by the completion of each stage of the Location Analysis. Notices shall be published in the legal newspaper of general circulation as noted in each subsection of this document. While the time frames may vary from one proposal to another, each newspaper notice must be published at least fourteen (14) days in advance of any hearing or public meeting. Following publication of each notice, the applicant must provide the Spokane County Division of Planning with a completed affidavit of publication. The applicant shall publish the following Notices using forms for public notice included in the application packet:

1. Notice of Application regarding EPF Proposal;
2. Notice of Availability of Functional Analysis regarding EPF Proposal;
3. Notice of Availability of Qualitative Analysis regarding EPF Proposal;
4. Notice of Availability of Weighted Analysis regarding EPF Proposal;
5. Notice of Hearing on EPF Proposal; and

II. PROCEDURAL REQUIREMENTS

A. Determination of Appropriate Siting Process:

The Regional Siting Process outlined herein applies only to siting EPFs of statewide or regional / countywide significance. EPFs of local significance will be sited according to the process in place for each local jurisdiction. Although group homes are listed as EPFs, siting of housing for children in custody of the state (not including juveniles held in county criminal detention facilities or state juvenile institutions as defined in RCW 13.40.020), or for persons with handicaps as defined under the Federal Fair Housing Act, is exempt from the Regional Siting Process.

If a proposed facility is not included on an officially adopted state, regional, county or local community essential public facilities list, a proponent or local jurisdiction should request in writing that the Board determine whether or not it is an essential public facility that is subject to the Regional Siting Process.
The Request for Determination of Appropriate Siting Process shall provide the following information:

1. The nature or function of the proposed facility;
2. Whether the facility is publicly or privately owned;
3. Whether the facility is provided by or substantially funded by the government;
4. Probable impacts of the proposed facility;
5. The potential geographic area of adverse impact and public benefit;
6. The extent of public need for the services involved;
7. Whether the facility is necessary in order to meet a public service obligation; and
8. Whether the facility is listed on an officially adopted state, regional, county or local community essential public facilities list.

The Board will issue its written Determination of Appropriate Siting Process within a reasonable amount of time, but no longer than thirty (30) days after receiving a written Request for Determination of Appropriate Siting Process. Both the Request and the Determination shall become part of Spokane County Planning’s record on this EPF proposal. The Board’s decision may be appealed to Spokane County Superior Court or the Eastern Washington Growth Management Hearings Board; whichever is applicable, within the appropriate appeal time period as set forth in the applicable statute.

B. Application:

If the Regional Siting Process applies, the next step is for the proponent to contact the Spokane County Division of Planning for an application packet. The application packet includes a General Application, a copy of the Regional Siting Process, a procedural checklist, appropriate forms to use for public notice, and affidavits of publication. An application fee, as established by resolution of the Board, (to cover processing and staff review) shall be submitted along with a completed application. It is the applicant’s responsibility to determine the time needed to conduct required studies, provide additional information, and make revisions. The next step is for the applicant to publish the Notice of Application regarding EPF Proposal.

If the applicant substantially modifies the proposal after the Notice of Application has been published, the proposal shall be treated as a new application and required to start again from the first step in the Regional Siting Process (Determination of Appropriate Siting Process). However, this requirement does not apply to changes made to the
proposal as a direct result of comments on the proposal received during the Regional Siting Process.

C. Notice of Application regarding EPF Proposal:

Opportunity for public comments begins with publication of the Notice of Application regarding EPF Proposal. This notice contains the name of the proponent, type of facility, who to contact with questions and how to get copies of the proposal. It also restates the information found in the Request for Determination, and advises the public of upcoming opportunities to comment; namely during the Functional, Qualitative, and Weighted Analysis stages, as well as the Board’s final public hearing(s). This notice must be published in The Spokesman Review.

D. Location Analysis:

1. Functional Analysis:

a) The applicant is responsible for performing a Functional Analysis as the first step in determining potential locations within Spokane County for the proposed facility. As part of the Functional Analysis, the applicant shall consider the siting requirements, legal requirements, and service delivery criteria for the proposed facility. The Regional Siting Process contains a list of additional objective criteria that the applicant may feel is relevant. Comments addressed to the applicant from members of the public and affected agencies and jurisdictions may identify other factors that need to be addressed in the Functional Analysis.

b) The applicant shall detail the assumptions and reasons for identifying objective criteria to be applied to the proposed facility and the methodology for evaluating and scoring the proposed facility with respect to those criteria,
and shall include this information as part of the initial submittal. The applicant may employ resources needed to assist in site analysis, such as Geographic Information Systems (GIS) information or equivalent geographic and demographic data. However, a site assessment must be performed in order to confirm the accuracy of such data, assess the potential for negative impacts and identify possible mitigation strategies.

c) The purpose of the Functional Analysis is to assist the applicant in identifying ten (10) potential sites for the proposed EPF. Further analysis shall focus on these selected sites rather than the county as a whole.

d) Once the applicant feels the Functional Analysis is complete, it shall publish a Notice of Availability of Functional Analysis regarding EPF Proposal. This notice shall recite the main findings of the Functional Analysis, summarizing the evaluation criteria and identifying the selected semi-finalist sites and how they ranked. It will also provide notice of the beginning and ending dates for a comment period of thirty (30) days, indicating that copies of the Functional Analysis are available to the public and have been distributed to all jurisdictions within Spokane County, as well as all relevant agencies, affected special purpose districts, and other interested parties. This notice must be published in The Spokesman Review.

e) Requests for further study, arbitration:

i. Within fourteen (14) days of receipt, the applicant will respond in writing to any requests for further study or analysis of additional factors. In this written response, the applicant will indicate whether or not it intends to honor the request for additional study, the reasoning behind its intention, and the avenues available to the entity requesting further study if it is not satisfied with the applicant’s response. The applicant will provide the Board and the Spokane County Division of Planning with copies of both the initial request and its response.

ii. If the entity making request for further study is not satisfied with the applicant’s response, it must notify the applicant, the Spokane County Division of Planning, and the Board, in writing, that it requests the Board to make a determination on the need for further study. Requests for Board determination must be made within ten (10) days of the date the applicant’s response was received by the entity requesting further study.

iii. The Board will arbitrate in the event an applicant is unwilling to comply with a public, agency or departmental request for further study or analysis of additional factors. The Board will consult with
the applicant and the entity requesting further study, and make a
determination on the need for further study within ten (10) days of
the applicant, or entity, making formal written request for such
determination. Said determination shall be binding on the applicant,
but may be appealed to the Spokane County Superior Court or the
Eastern Washington Growth Management Hearings Board,
whichever is applicable, within the appropriate appeal time period as
set forth in the applicable statute.

iv. If the Board determines that further study is required, the applicant
may not proceed to the Qualitative Analysis stage until that
requirement has been met.

2. Qualitative Analysis:

a) Once the Functional Analysis stage has been satisfactorily completed, the
applicant is responsible for conducting a Qualitative Analysis regarding
suitability of the semi-finalist sites. This stage of analysis will address the
political, economic, legal and social impacts of the facility, balanced against
the extent of public need for the facility and any reasons why the proposed
facility needs to be in a particular location. The analysis will assess the
relative impacts associated with the proposed facility at each of the semi-
finalist sites, with consideration given to the Qualitative Analysis factors
listed in the Regional Siting Process and other relevant concepts raised in
comments addressed to the applicant from members of the public and
affected agencies and jurisdictions.

b) Public participation is a key tool for identifying factors that are important to
consider at this stage. Opportunities for input should also provide an avenue
for dialogue between the applicant and the public, agencies and affected
jurisdictions regarding mitigation strategies to address potential adverse
impacts.

c) The Qualitative Analysis will narrow down the semi-finalist list to three (3)
finalist sites that pose the least potential for negative impacts or unmet
needs. All finalist sites must be available for lease for the anticipated use
period or for purchase, with the consent of the owner.

d) Once the applicant considers the Qualitative Analysis complete, it shall
publish a Notice of Availability of Qualitative Analysis regarding EPF
Proposal. This notice shall recite the main findings of the Qualitative
Analysis, summarizing the evaluation criteria and identifying the selected
finalist sites. It will also provide the beginning and ending dates for a
comment period of thirty (30) days, indicating that copies of the Qualitative
Analysis are available to the public and have been distributed to all
jurisdictions within Spokane County, as well as relevant agencies, affected special purpose districts, and other interested parties. This notice must be published in The Spokesman Review and the legal newspaper of each jurisdiction where a semi-finalist site is located.

e) Requests for further study, arbitration: See procedures outlined under Functional Analysis, (II)(D)(1)(e) above.

3. Weighted Analysis:

a) This stage uses a scoring matrix to rank the three (3) finalist sites in order of preference. First, the applicant develops a scoring matrix that outlines criteria used to evaluate the three (3) finalist sites. The outcome of the public participation program then adds scores to the matrix. The scores in the matrix reflect weighted values that are assigned to the various functional and qualitative criteria based on how important each criterion is to the community. Consensus on weighted values is desirable; however, the final score may also represent an average of the weighted values assigned by various segments of the community. A description of this scoring system is provided in Appendix C to the Regional Siting Process.

b) The applicant is responsible for conducting the public participation program necessary to accomplish the Weighted Analysis. A variety of participation techniques may be appropriate at this stage including public workshops, interviews, surveys, and other input instruments including direct written communication from members of the public, related agencies or affected jurisdictions.

c) Once the Weighted Analysis is completed, the applicant shall publish a Notice of Availability of Weighted Analysis regarding the EPF Proposal. This notice shall identify the factors or criteria considered in evaluating the finalist sites, the weighted values assigned by the public to those factors, and the final score for each site. The Notice of Availability of Weighted Analysis shall have a minimum comment period of fourteen (14) days. This notice must be published in The Spokesman Review and the legal newspaper of each jurisdiction where a finalist site is located.

E. Preferred Site Review:

1. Satisfactory completion of the Weighted Analysis results in a Preferred Site List that provides an initial ranking of the three (3) finalist sites. Final ranking of these sites is accomplished through additional consideration by the Board of such factors as the likely urban impacts of the proposed facility, site development criteria, and the possibility of cost sharing agreements that would mitigate any disproportionate financial burden that may fall on the affected jurisdiction(s), as
set forth in Step Nos. 5 through 7 of The 1996 Growth Management Essential Public Facilities Technical Committee Report. These additional factors are described more fully in the Regional Siting Process itself.

2. The Spokane County Division of Planning will prepare a written staff report prior to the notice of the Board’s public hearing. Among other things, this report will summarize findings from the Location Analysis, recite the site rankings from each of the three (3) stages of the Location Analysis, and summarize comments received from the public, agencies and affected jurisdictions through the end of the comment period on the Weighted Analysis. Copies of the report shall be mailed to the applicant, the jurisdictions where the three (3) finalist sites are located, and made available to any interested person for the cost of reproduction.

3. The Board will conduct at least one (1) public hearing on the Preferred Site List, soliciting testimony on the factors mentioned in paragraph II.E.1 above. The hearing may be continued, as needed, in order to hear all relevant testimony. Notice of Public Hearing must be published at least fourteen (14) days in advance of the hearing date in The Spokesman Review and the legal newspaper of each jurisdiction where a finalist site is located.

4. Based on the record and testimony received at the hearing, the Board’s recommendation will outline strategies identified to address any issues associated with particular sites, and rank the finalist sites in order of preference. The Board’s recommendation will be issued within fourteen (14) days of the final hearing.

5. The Board’s ranking is advisory and not binding on the applicant.

6. Any applicable interlocal agreements (for services such as fire protection, sewer service, etc.) shall be in place prior to final site selection. Once the final site is selected, the applicant shall publish a Notice of Final Site Selection regarding EPF Proposal in The Spokesman Review and in the legal newspaper where the final site is located. This notice shall indicate the specific location of the site, the host jurisdiction whose local siting process will apply to actually siting the facility, and where this site ranked in the Board’s recommendation on the Regional Siting Process. Host jurisdictions must cooperate with the applicant in processing the application if the site finally selected is one of the three (3) finalist sites.
F. Process Summary:

<table>
<thead>
<tr>
<th>Analysis Stage</th>
<th>Basis</th>
<th>Product</th>
<th>Applicant’s Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Functional</td>
<td>Countywide</td>
<td>10 sites</td>
<td>Defines applicable criteria and methodology. Provides assessment and scoring. Publishes results.</td>
</tr>
<tr>
<td>Qualitative</td>
<td>10 sites</td>
<td>3 sites</td>
<td>Public participation. Provides assessment and scoring. Details methodology. Publishes results.</td>
</tr>
<tr>
<td>Weighted</td>
<td>3 sites</td>
<td>3 sites ranked</td>
<td>Public participation. Provides evaluation and weighting. Publishes results.</td>
</tr>
<tr>
<td>BOCC hearing</td>
<td>3 sites ranked</td>
<td>Board recommendation</td>
<td>Publishes hearing notice. Publishes final site selection notice.</td>
</tr>
</tbody>
</table>

G. Local Siting Process:

1. Following final site selection, the applicant will work directly with the local jurisdiction and its regulatory requirements to permit the construction and operation of the facility under the plans and regulations that were in effect at the time of initial application under the Regional Siting Process.

2. Following selection of a final site through the Regional Siting Process, the applicant is not required to perform further alternative site analysis at the local level.

3. To facilitate siting, the local jurisdiction’s conditional use or special use criteria should rely as much as possible on the findings from the Regional Siting Process Location Analysis. To ensure that a jurisdiction’s unique concerns are addressed during the Regional Siting Process Location Analysis, a jurisdiction should raise those issues during the Functional and Qualitative Analysis comment periods, the Weighted Analysis, or at the Board’s hearing.
SPOKANE COUNTY DIVISION OF PLANNING
2003 ZONING AND LAND USE FEE SCHEDULE

PURPOSE: This fee schedule is adopted for the purpose of defraying a portion of the costs to Spokane County regarding the below-listed land use actions. These are reflective of costs incurred by the County for the processing, reviewing, determining, holding of public hearings, notifying and appealing of the listed land use actions. All applications for the listed land use actions, except those initiated by the Board of County Commissioners, Planning Commission or Planning Division, shall be accompanied by the required fee. The required fees are as follows.

### I. Plat Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Preliminary Plat</td>
<td>$1,698 plus $14/lot</td>
</tr>
<tr>
<td>B. Final Plat</td>
<td>$862 plus $10/lot</td>
</tr>
<tr>
<td>C. Preliminary short plat</td>
<td>$1,326 plus $12/lot over 4 lots</td>
</tr>
<tr>
<td>D. Change of Condition/Design (without Public Hearing) requests by the proponent for modifications requiring recirculation to reviewing departments and agencies</td>
<td></td>
</tr>
<tr>
<td>1. Plats (Design Change Only)</td>
<td>$664</td>
</tr>
<tr>
<td>2. Short Plats</td>
<td>$265</td>
</tr>
<tr>
<td>3. Binding Site Plans</td>
<td>$691</td>
</tr>
<tr>
<td>E. Preliminary Binding Site Plan</td>
<td>$1,724 plus $10/lot</td>
</tr>
<tr>
<td>F. Final Binding Site Plan</td>
<td>$1,326</td>
</tr>
<tr>
<td>G. Extension of Time for plats, short plats, binding site plans</td>
<td>$226</td>
</tr>
<tr>
<td>H. Duplex Division</td>
<td></td>
</tr>
<tr>
<td>1. Existing lots/parcels allowing a duplex</td>
<td>$398 plus $12/duplex dwelling unit lot</td>
</tr>
<tr>
<td>2. In conjunction with a Preliminary Plat or Preliminary Short Plat</td>
<td>$334</td>
</tr>
<tr>
<td>J. Zero Lot Line - any</td>
<td>$330 plus $10/lot</td>
</tr>
<tr>
<td>K. Certificate of Exemption</td>
<td></td>
</tr>
<tr>
<td>1. Pre-1978</td>
<td>$67</td>
</tr>
<tr>
<td>2. Between 5 and 10 acres</td>
<td>$100</td>
</tr>
<tr>
<td>3. Minor lot line adjustment</td>
<td>$100</td>
</tr>
<tr>
<td>4. All other Certificates of Exemption</td>
<td>$87</td>
</tr>
</tbody>
</table>
L. Vacation of or alteration to:
1. Final Plat, Final Short Plat, or Final Binding Site Plan (mylar change) $663
2. Final Plat, Final Short Plat, or Final Binding Site Plan (resolution change only) $330

II. Zoning Administration

A. Zone Reclassification
1. From any zone to the EA or GA zone $795 plus $32 per 10-acre increment
2. From any zone to the RR-10, SRR-5, SRR-2 and SR-1 zones $955 plus $38 per 10-acre increment
3. From any zone to the SR-1/2 and UR-3.5 zones $1,194 plus $27/acre
4. From any zone to the RS, UR-7, UR-12 and UR-22 zones $1,432 plus $44/acre
5. From any zone to the B-1, B-2 and B-3 zones $1,909 plus $51/acre
6. From any zone to the I-1, I-2 and I-3 zones $2,385 plus $65/acre
7. From any zone to the Mining zone $2,385 plus $19/acre
8. From any zone to any zone not listed above $955

B. Change of Conditions or Public Hearing
Site Plan Review 80% of zone reclassification fee under this schedule

C. Appeal of Administrative decision $265

D. Zoning Map Modification for an Arterial
Road Name or Location Change $398

E. Administrative Permits/Reviews/Determinations
1. Manufactured Home Park Site Plan Review $351
2. Home Profession Permit, with no building permit $80
3. Temporary Use Permit, with no building permit $299
4. Top Soil Removal Permit $458
5. Modification/Review of Previously Approved Site Plan (not in conjunction with building permit application) $43/hour (1/2 hr minimum)
6. Seasonal Temporary Use Permit
   a. 2-month permit $101
   b. 4-month permit $201
   c. 6-month permit $304
   d. 8-month permit $404
7. Seasonal Temporary Use Permit Renewal $39

F. Variance
1. Before or after any construction takes place $708

G. Conditional Use Permits
1. Renewal of conditional use permits, all $67
2. All $454

H. Appeal of a Level I or II Civil Notice of Violation $51 (Resolution #2-0596)

I. Reconsideration of a Hearing Examiner Decision on NOV $25 (Resolution #2-0596)
III. Shorelines Management Administration

A. Shorelines Permits
   1. Substantial Development, Variance or Conditional Use Permit
      Value of development (materials and labor):
      $ 0 - $25,000  89  $ 398 plus advertising cost
      $ 25,000 - $75,000  90  $ 477 plus advertising cost
      $ 75,001 - $300,000  91  $ 636 plus advertising cost
      Over $300,000  92  $ 795 plus advertising cost

B. Nonpermit Service
   1. Site Inspection  93  $ 44/hour (1/2 hour minimum)
   2. Expansion of Nonconforming Use Review  94  $ 100

IV. Current Use Assessment Administration

A. Timber Land or Open Space Application  101  $ 67 plus advertising cost

V. State Environmental Policy Act (SEPA) Administration

A. Environmental Impact Statement (EIS)  106  $ 810 minimum deposit*
   *Fee is computed by cost incurred during production
   If deposit balance falls below $100, additional increment will be required.
   B. Threshold determination for first hour.  $ 76/hour (1/2 hour minimum)
   C. Threshold determination for each additional hour.  $ 75/hour
   D. Review of special studies required for threshold
determinations (WAC 197-11-914)  107  $ 75/hour (1/2 hour minimum)
   E. Administrative appeal  $ 265

VI. Planned Unit Development (PUD) Administration

A. Preliminary PUD or Final development Plan Review  111  $1,491
   B. PUD Final Development Plan Review without Public Hearing  113  $ 776

VII. Pre Conference Fee

Before any application for the below-listed land use actions is handed out, the following fees will be charged for explanation, instruction and answering the applicant’s or his/her representative’s questions regarding the application, process or procedure. Pre conference fees are non refundable.

A. Preliminary Plat; Vacation or alteration of Final Plat,
   Short Plat, or Binding Site Plan; Zone Reclassification; or
   Preliminary Planned Unit Development  136  $ 61

B. Preliminary Short Plat; Preliminary Binding Site Plan;
   Temporary Use Permit; Top Soil Removal Permit;
   Variance (before or after construction); Conditional Use;


VIII. Regional Planning Fees

A. Spokane County Regional Siting Process for Essential Public Facilities

1. Application Fee $ 1200 (Resolution #3-0136)

IX. Fee Administration

A. General Administration of Fee Schedule.

1. All of the required fees will be paid at the time of application or when the applicant requests information or service for which a fee is charged above and is rendered without an application being filed, provided that for hourly fees the applicant will be billed and the fees paid before the decision is made and findings signed.

2. Each action for which there is a listed fee above will constitute a separate action, and the fee will be computed as determined above. Each variance required is a separate action.

3. Measurement of acreage will be rounded to the nearest full acre except for areas less than one acre, which will be computed as one acre.

4. Hourly wages will be rounded to the nearest ½ hour as noted except for hours less than ½ hour, which will be computed as ½ hour.

5. The value of projects and/or construction shall be determined by building permit value if issued within the last year. If no building permit was required or the building permit was issued more than one year ago, the value shall be determined per County Assessor records, awarded construction bid, estimated construction cost or other comparable means.

B. Refund policy.

1. There is no refund of any pre conference fee.

2. An 80% refund of fees will be provided if the Planning Director or his/her designee determines that, although the application may have been accepted, no processing by the County has occurred.

3. A 50% refund of fees will be provided if the Planning Director or his/her designee determines that the request is made prior to any mailing of notice or if any processing by the County has occurred.

4. No refund or fees will be provided after an administrative decision/interpretation is rendered or after the mailing of notice unless the application is withdrawn at a County department’s request.

5. Full refund of fees, minus the pre conference fee, may be authorized if the County has inappropriately told an applicant that a permit/action is required and later it is determined by the County that the permit/application was not necessary/required.

C. Automatic Modification of Fee Schedule.

The Planning Zoning and Land Use Fee Schedule shall be automatically administratively modified once a year. The modification shall take place as close as possible to one year after adoption of this schedule and yearly thereafter. The Planning Division shall use the Consumer Price Index for U.S. Western Cities 500,000 - 300,000 in size (“CPI U West C, on the ‘77 base, for all urban consumers”). The starting point for modification of this schedule shall be the above-cited CPI for September, 1992, which was 217.5.

D. Waiver of Fees.

The Director, in consultation with the Director of Public Works and/or the Chief Administrative Officer, may waive all or a portion of the fees established herein for special individual circumstances where there is extreme economic hardship, issues of fundamental fairness, or where application of the fee schedule is otherwise unreasonable or impractical. Requests for the waiver of fees shall be made in writing to the Director, stating the reasons therefor.
The Director’s decision shall be indicated by letter stating the basis for approval or denial of the waiver. The Director’s decision is final and binding.

1 Old Subdivision Ordinance section references have been deleted.

2 In 1998, the Department of Labor eliminated the Consumer Price Index (CPI) for U.S. Western Cities size class C (50,000-300,000 in population) on both the 1977 base and another that was for the 1982-1984 base. In its place, a new index was created: the CPI West B/C for population sizes of 1,500,000 and under. Its base is December 1996 at 100.
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY

IN THE MATTER OF AMENDING THE
SPOKANE COUNTY COMPREHENSIVE
PLAN POLICY CF.15.1 RELATING TO
ESSENTIAL PUBLIC FACILITIES

WHEREAS, pursuant to the provisions of RCW Chapter 36.70, the Board of County Commissioners of Spokane County, Washington, hereinafter referred to as the “Board,” has created a Planning Commission, hereinafter referred to as the “Commission”; and

WHEREAS, pursuant to the provisions of Chapter 36.70A RCW, the Board adopted a Comprehensive Plan and Capital Facilities Plan for Spokane County, hereinafter referred to as the “Comprehensive Plan,” on November 5, 2001 (County Resolution 1-1059); and

WHEREAS, on March 12, 2002, the Washington State Legislature declared an emergency and passed Engrossed Substitute Senate Bill 6594 (ESSB 6594) implementing the recommendations of the Joint Select Committee on the Equitable Distribution of Secure Community Transition Facilities, and on March 21, 2002 the Governor signed ESSB 6594; and

WHEREAS, pursuant to the provisions of ESSB 6594 Spokane County, along with all planning jurisdictions within the state of Washington, was mandated to amend its Comprehensive Plan to include a process for identifying and siting essential public facilities, including, among other facilities, secure community transition facilities as defined in RCW 71.09.020; and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Commission is authorized to recommend changes to the Comprehensive Plan to the Board for its review and consideration for adoption; and

WHEREAS, the Commission recommended amendments to the Comprehensive Plan regarding siting of essential public facilities, including the proposed revision to Policy CF.15.1 and the Spokane County Regional Siting Process for Essential Public Facilities, as more particularly set forth in Commission’s Attachment “A”, attached hereto and incorporated herein; and

WHEREAS, the Board acknowledges the Determination of Nonsignificance (DNS) issued by the Spokane County Division of Planning on June 21, 2002, with respect to the Comprehensive Plan Amendment; and
WHEREAS, the Board, after considering the Commission’s Recommendation and reviewing the Commission’s Findings of Fact, concurs with the Findings of Fact, Decision, and Recommendation of the Commission dated July 25, 2002, attached hereto and incorporated herein by reference, and determines the best interest of the general public, as well as its health, safety and welfare, will be met by the Board amending the Spokane County Comprehensive Plan as recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board, after considering all of the above, that the Comprehensive Plan Amendment as set forth in the Commission’s Attachment “A”, attached hereto and incorporated herein by reference, be adopted.

BE IT FURTHER RESOLVED that the Board does hereby direct Division of Planning Staff to prepare, in cooperation with all jurisdictions in Spokane County, an interlocal agreement outlining administrative procedures for the Spokane County Regional Siting Process for Essential Public Facilities.

BE IT FURTHER RESOLVED that the Board does hereby adopt as Findings of Fact all recitals herein as well as the Commissions’ Findings of Fact as set forth in the Commission’s Findings, Decision, and Recommendation dated July 25, 2002, attached hereto and incorporated herein by reference.

APPROVED this 13th day of August, 2002.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

M. Kate McCaslin, Chair

John Roskelley, Vice-Chair

Daniela Erickson, Deputy

Philip D. Harris, Commissioner