BEFORE THE SPOKANE COUNTY PLANNING COMMISSION


WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, 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 36.70 RCW, the Board may adopt a zoning ordinance for the unincorporated areas of Spokane County and may amend the same; and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board has adopted the Zoning Code of Spokane County, Title14 of the Spokane County Code, hereinafter referred to as the “Zoning Code”; 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 development regulations as necessary to provide for the siting of secure community transition facilities as defined in RCW 71.09.020 and consistent with statutory requirements applicable to these facilities; and

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

WHEREAS, pursuant to RCW 36.70A.020, goals are set forth to guide the development and adoption of comprehensive plans and development regulations; and

WHEREAS, the Spokane County Comprehensive Plan; hereinafter referred to as the “Comprehensive Plan,” states the following:

1. Goal CF.15 Facilitate the siting of public and private essential public facilities when the unincorporated area is the appropriate location.
2. Policy CF.15.1 Consider the process for Siting Essential Public Facilities of a Countywide or Statewide nature contained in the Growth Management Essential Public Facilities Technical Committee Report; and

WHEREAS, the Division of Planning implemented the following Work Program relating to secure community transition facility:

1. Form an Essential Public Facilities Task Force with planning staff from Spokane County and the cities and towns of Airway Heights, Cheney, Deer Park, Fairfield, Latah, Liberty Lake, Medical Lake, Millwood, Rockford, Spangle, Spokane, and Waverly for coordinating the development of a regional siting process for essential public facilities, and specifically for the secure community transition facility.

2. Draft, circulate for comment, and finalize for public hearings before Planning Commissions and/or Legislative bodies, including City and Town Councils and the Board of County Commissioners, a regional siting process for essential public facilities, and specifically for the secure community transition facility.

3. Develop an inventory of essential public facilities of statewide, regional, and local significance.


5. Coordinate and/or conduct public workshops and/or public hearings for action by the Planning Commissions and/or Legislative bodies, including City and Town Councils and the Board of County Commissioners, relating to recommendation and/or adoption of a regional siting process for essential public facilities and required amendments to Comprehensive Plans to include secure community transition facility as an essential public facility.

6. Draft and adopt development regulations specific to siting a secure community transition facility with specific standards and siting criteria as required by the Department of Social and Health Services in a coordinated manner to ensure consistency among jurisdictions, to provide for compatible land uses, to accommodate equitable distribution of essential public facilities, and to identify appropriate zones, areas or parcels for siting a secure community transition facility; and

WHEREAS, the Commission, at its July 25, 2002 meeting, 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 Attachment “A”, attached to its Findings of Fact, Decision, and Recommendation to the Board in the Matter of Amending the Spokane County Comprehensive Plan Policy CF.15.1 relating to Essential Public Facilities; and

WHEREAS, the Commission recognizes that the Comprehensive Plan must be implemented with development regulations and that the current development regulations must be updated to be consistent with the Comprehensive Plan, as amended; and
WHEREAS, pursuant to RCW 36.70A.370, local governments must utilize the process established by RCW 36.70A.370(1) to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property; and

WHEREAS, after providing the required public notice, the Commission held public meetings and/or workshops concerning amending the Zoning Code relating to secure community transition facility on April 25, 2002, May 16, 2002, and June 13, 2002; and

WHEREAS, the Spokane County Division of Planning prepared an Environmental Checklist for a nonproject action, pursuant to WAC 197-11 and Spokane Environmental Ordinance, County Code Chapter 11.10, and on June 21, 2002, a Determination of Nonsignificance was issued; and

WHEREAS, after providing fifteen (15) days’ public notice, the Commission held a public hearing on July 11, 2002, to consider proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference; and

WHEREAS, after providing the required public notice, the Commission held a public meeting on July 25, 2002, to deliberate with respect to the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference; and

WHEREAS, the Division of Planning recommends that the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference, be adopted; and

WHEREAS, the Commission, at its July 25, 2002 meeting, recommended amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein, and directed staff to prepare findings consistent with its motion; and

WHEREAS, after considering all testimony given at the public hearing, all written correspondence submitted for the record, and all files of record concerning the proposed amendments to the Zoning Code relating to secure community transition facility, and after recognizing compliance with the State Environmental Policy Act (SEPA) procedures, the Commission finds that the best interests of the general public, as well as its health, safety and welfare, will be met by the following:

1. Adoption of the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference; and
NOW, THEREFORE, BE IT RESOLVED by the Commission that it hereby recommends to the Board the following:

1. Adoption of the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Commission makes as part of these Findings and Decision all files in the Spokane County Public Works Department, Division of Planning, and Planning Commission, along with the transcripts of all public meetings, workshops, and hearings related to this matter and further adopts all recitals herein as findings of fact; and

BE IT FURTHER RESOLVED by the Commission that, in making the hereinabove recommendation, the Commission does hereby enter the following Findings of Fact.

FINDINGS OF FACT

I.

Pursuant to the provisions of Chapter 36.70 RCW the Commission has the legal authority to recommend changes to the Zoning Code to the Board for its review and consideration for adoption.

II.

Pursuant to the provisions of ESSB 6594, including the declaration of an emergency by the Washington State Legislature, Spokane County, along with all planning jurisdictions in the state of Washington, was mandated to amend its development regulations as necessary to provide for the siting of secure community transition facilities as defined in RCW 71.09.020 and consistent with statutory requirements applicable to these facilities.

III.

The Division of Planning implemented the following Work Program relating to secure community transition facility:

1. Form an Essential Public Facilities Task Force with planning staff from Spokane County and the cities and towns of Airway Heights, Cheney, Deer Park, Fairfield, Latah, Liberty Lake, Medical Lake, Millwood, Rockford, Spangle, Spokane, and Waverly for coordinating the development of a regional siting process for essential public facilities, and specifically for the secure community transition facility.
2. Draft, circulate for comment, and finalize for public hearings before Planning Commissions and/or Legislative bodies, including City and Town Councils and the Board of County Commissioners, a regional siting process for essential public facilities, and specifically for the secure community transition facility.
3. Develop an inventory of essential public facilities of statewide, regional, and local significance.
5. Coordinate and/or conduct public workshops and/or public hearings for action by the Planning Commissions and/or Legislative bodies, including City and Town Councils and the Board of County Commissioners, relating to recommendation and/or adoption of a regional siting process for essential public facilities and required amendments to Comprehensive Plans to include secure community transition facility as an essential public facility.

6. Draft and adopt development regulations specific to siting a secure community transition facility with specific standards and siting criteria as required by the Department of Social and Health Services in a coordinated manner to ensure consistency among jurisdictions, to provide for compatible land uses, to accommodate equitable distribution of essential public facilities, and to identify appropriate zones, areas or parcels for siting a secure community transition facility; and

IV.

After providing the required public notice, the Commission held public meetings and/or workshops concerning amending the Zoning Code relating to secure community transition facility on April 25, 2002, May 16, 2002, and June 13, 2002.

V.

The Commission concurs with the Determination of Nonsignificance issued by the Spokane County Division of Planning on June 21, 2002, with respect to the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference.

VI.

After providing fifteen (15) days’ public notice, the Commission held a public hearing on July 11, 2002, to consider amending the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference, as well as other relevant information and testimony.

VII.

After providing the required public notice, the Commission held a public meeting on July 25, 2002, to deliberate with respect to the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference.

VIII.

The Commission, at its July 25, 2002 meeting, 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 Attachment “A”, attached to its Findings of Fact, Decision, and Recommendation to the Board in the Matter of Amending the Spokane County Comprehensive Plan Policy CF.15.1 relating to Essential Public Facilities.

IX.

The Commission considered the 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.
Regional Siting Process for Essential Public Facilities, in making this decision, and this decision is consistent with and implements the Comprehensive Plan, as amended.

IX

The Commission considered the planning goals of the Growth Management Act (RCW 36.70A.020) in making this decision, and the decision supports the goals of the Growth Management Act.

X

The Commission considered the Countywide Planning Policies for Spokane County (CWPPs) in making this decision, and the decision is consistent with the CWPPs (County Resolutions 94-1719, 96-1205, 97-0297, and 97-0937).

XI


XII

It is found by the Commission that the best interests of the general public, as well as its health, safety and welfare, will be met by the following:

1. Adoption of the proposed amendments to the Zoning Code relating to secure community transition facility, as more particularly set forth in Attachment “A”, attached hereto and incorporated herein by reference.

XIII

That the execution of this document by the signatures hereon shall be the same as if said signers had placed their signatures on Attachment “A” as required by RCW 36.70.400.
PASSED AND ADOPTED this 25th day of July 2002.

<table>
<thead>
<tr>
<th>SPOKANE COUNTY PLANNING COMMISSION</th>
<th>Vote of Record</th>
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</thead>
<tbody>
<tr>
<td>Beverley Keating, Chair</td>
<td>Aye</td>
</tr>
<tr>
<td>Tom Hargreaves, Vice Chair</td>
<td>Aye</td>
</tr>
<tr>
<td>William Evans, Member</td>
<td>Absent</td>
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<tr>
<td>Lindell Haggie, Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Pat Humphries, Member</td>
<td>Aye</td>
</tr>
<tr>
<td>William Moore, Member</td>
<td>Aye</td>
</tr>
<tr>
<td>Lewis Rumpler, Member</td>
<td>Aye</td>
</tr>
</tbody>
</table>

ATTEST:  Gerry Gemmill  
Assistant to CEO/Public Works Administrator

By:  [Signature]