BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE
SPokane COUNTY ZONING CODE RELATED TO CHAPTER 14.614,
INDUSTRIAL ZONES AND CHAPTER 14.702 AIRPORT OVERLAY (AO) ZONE TO
RESTRICT RESIDENTIAL USES

FINDINGS OF FACT AND
DECISION

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

WHEREAS, pursuant to the provisions of RCW Chapters 36.70 and 36.70A, the Board has adopted a Comprehensive Plan for the unincorporated areas of Spokane County; and

WHEREAS, pursuant to the provisions of RCW Chapter 36.70 and 36.70A, the Board has adopted the Spokane County Zoning Code for the unincorporated areas of Spokane County; and

WHEREAS, pursuant to the provisions of RCW Chapters 36.70 and 36.70A RCW, the Board on May 25, 2004, under Spokane County Resolution No. 04-0461 adopted a new Zoning Code to implement the goals and policies of the Comprehensive Plan, which zoning code became effective June 1, 2004; and

WHEREAS, on May 25, 2005, the Zoning Code was amended to increase the allowed uses within the Light Industrial Zone to include all uses allowed in the Regional Commercial Zone including single family, two family and multi family residential uses, but excluding adult retail and adult entertainment establishments; and

WHEREAS, a result of the amendment to the Zoning Code in May 2005, was to allow residential developments within the portions of the Accident Potential Zone (APZ) designated in relation to the Spokane International Airport and Fairchild Air Force Base that fall within the Light Industrial Zone located in the West Plains/Thorpe Urban Growth Area (UGA) in Spokane County. The Spokane International Airport, Fairchild Air Force Base and the Washington State Department of Transportation, Aviation Division raised concerns regarding compatibility of residential development in the Light Industrial Zone and/or the Airport Overlay Zone within the West Plains/Thorpe UGA with airport operations and future airport viability; and

WHEREAS, on October 2, 2006, a moratorium on the acceptance of applications for single family, duplex and multi-family dwellings in specific areas with Light Industrial zoning located on the West Plains was adopted by the Board in Resolution No. 2006-0838, and instructed staff to develop proposed revisions to the Zoning Code that would address the issues raised related to the 2005 revisions to the Zoning Code; and
WHEREAS, on March 16, 2007, the moratorium was replaced with an interim zoning ordinance (IZO) by Board Resolution No. 2007-0221, which continued and expanded the restrictions on residential development to include additional areas on the West Plains; and

WHEREAS, Board Resolution No. 2007-0716 extended the interim zoning ordinance for six months on August 14, 2007, such that the IZO will expire on February 15, 2008; and

WHEREAS, this amendment is designed to address the issues initially leading to the moratorium and then the interim zoning ordinance; and

WHEREAS, pursuant to the RCW 36.70A.106, notice of intent to adopt an amendment to the Zoning Code Chapter 14.614, Industrial Zone, and Chapter 14.702, Airport Overlay Zone, was sent to the Washington State Department of Community, Trade and Economic Development (CTED) on August 8, 2007; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, and the Spokane County Environmental Ordinance, a Determination of Nonsignificance (DNS) regarding the proposed amendment was issued on August 8, 2007, the DNS was not appealed; and

WHEREAS, after providing at least fifteen (15) days notice, the Commission held a public hearing on August 23, 2007, to consider the proposed amendment to the Zoning Code for Spokane County; and

WHEREAS, after considering all public testimony received at the public hearing on August 23, 2007, and recognizing compliance with State Environmental Policy Act procedures, the Commission deliberated on the proposed amendment on September 27, 2007 and recommended approval of the proposed amendment; and

WHEREAS, the Commission’s recommendation for approval of the proposed amendment was received by the Board on October 23, 2007 and the Board set October 30, 2007 to consider the Commission’s recommendation. On October 30, 2007 the Board continued consideration of the proposed amendment to November 6, 2007; and

WHEREAS, on November 6, 2007 the Board modified the proposed amendment so as to restrict application of the proposed amendment to the West Plains UGA and West Plains/Thorpe UGA of Spokane County only, as indicated in the attachment hereto that is incorporated herein by reference and identified as “Attachment ‘A’; and

WHEREAS, the Board set a public hearing to consider the modified proposal to amend Chapter 14.614 Industrial Zones and Chapter 14.702 Airport Overlay Zone of the Spokane County Zoning Code, to be held on November 6, 2007; and

WHEREAS, following the required public notice, on December 18, 2007 the Board held a public hearing and received testimony both for and against the modified amendment proposal to the Spokane County Zoning Code; and
WHEREAS, on December 18, 2007, after considering public testimony, the Planning Commission recommendation, the record and the files of the Spokane County Building and Planning Department regarding the proposed amendment to the Zoning Code, Chapter 14.614, Light Industrial Zone, and Chapter 14.702, Airport Overlay Zone, the Board voted unanimously to adopt the modified proposal amending the Spokane County Zoning Code as stated in “Attachment A”.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Spokane County hereby adopts the proposed amendment, as modified, to Chapter 14.614 Industrial Zones and Chapter 14.702 Airport Overlay Zone of the of Spokane County Zoning Code, as attached hereto as “Attachment A” and enters the following findings of fact:

FINDINGS OF FACT

#1

Pursuant to the provisions of RCW Chapter 36.70 and the Zoning Code for Spokane County, the Commission has the legal authority to recommend to the Board of County Commissioners changes to the Zoning Code.

#2

After the required public notice, the Commission held a public hearing on August 23, 2007 to consider the proposed amendment to the Spokane County Zoning Code.

#3

Spokane County provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-195-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0144 and 98-0788).

#4

The Board acknowledges and concurs with the State Environmental Policy Act Determination of Nonsignificance (DNS) issued by the Department on August 8, 2007 with respect to the proposed Zoning Code Amendment.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Spokane County that the Board does hereby adopt the proposed amendment to the Spokane County Code as modified by the Board on November 6, 2007 and stated in the Attachment A hereto, effective at the time and date that this Resolution is signed by the Board or the Chair thereof.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Spokane County that the Board does hereby simultaneously with the adoption of the amendment to the Spokane County Zoning Code repeal the Interim Zoning Ordinance adopted by Resolution No. 2007-0716 and extended by Resolution No. 2007-0221.
BE IT FURTHER RESOLVED, that the files and records of the Spokane County Building and Planning Department, the Spokane County planning Commission and the Board of County Commissioners along with the record of all public hearings related to this matter are incorporated herein by this reference and all recitals herein are adopted as findings of fact.

BE IT FURTHER RESOLVED, that the Clerk of the Board is directed to publish a notice of adoption pursuant to RCW 36.70A.290 (b)

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to send a copy of this decision to the Washington State Department of Community, Trade, and Economic Development (CTED) pursuant to RCW 37.70A.106 within 10 days of adoption.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 22nd day of January, 2008.

BOARDS OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Bonnie Mager, Chair

ATTEST:

Todd Mielke, Vice Chair

Daniela Erickson, Clerk of the Board

Mark Richard, Commissioner
Attachment A

Amendment to Spokane County Zoning Code

Light Industrial and Airport Overlay Zones
Amendment to Spokane County Zoning Code

Additions are shown in underline
Deletions are shown in strikethrough

Amend Section 14.614 as follows:

14.614.220 Industrial Zones Matrix

Table 614-1, Industrial Zones Matrix

<table>
<thead>
<tr>
<th>Commercial Business</th>
<th>Light Industrial</th>
<th>Heavy Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial uses, general, not elsewhere classified</td>
<td>L</td>
<td>N</td>
</tr>
</tbody>
</table>

14.614.230 Uses with Specific Standards

4. Commercial uses, general, not elsewhere classified (LI zone)
   
   a. Permitted uses in the Light Industrial zone shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Sections 14.612.300.

   a. Permitted uses in Light Industrial zones located within the West Plains, West Plains/Thorpe UGAs shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment and except for single family, duplex, and multifamily residential uses. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Section 14.612.300.

   b. Permitted uses in Light Industrial zones which are not located within the West Plains, West Plains/Thorpe UGAs shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Section 14.612.300.
Table 614-1, Industrial Zones

<table>
<thead>
<tr>
<th>Residential use</th>
<th>Light Industrial</th>
<th>Heavy Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential use</td>
<td>L</td>
<td>N</td>
</tr>
</tbody>
</table>

14.614.230 Uses with Specific Standards

16. Residential use (LI zone)

a.—The use must be part of a master planned industrial development and shall be limited in number of units to those necessary to house the employees of the planned industrial use. Residential density shall not exceed 15 units per acre.
b.—The residential use shall be located adjacent to the industrial use.
c.—Construction of the industrial use shall occur previous to or simultaneous with the construction of the residential units.

Residential use shall only be allowed consistent with 14.614.230(4)(b).
Amend Section 14.702 as follows:

14.702.270 Accident Potential Zone B (APZ-"B")
The following uses are specifically prohibited in Accident Potential Zone "B":

1. Child day-care center
2. Church
3. Community residential facility
4. Community treatment facility
5. Family day-care provider
6. Heliport or helipad
7. Hospital
8. Hotel
9. Manufactured home park
10. Motel
11. Nursing home
12. Participant sports and recreation
13. Recreational vehicle park
14. School
15. Spectator sports facility
16. Theater

1. The following primary uses and accessory uses are specifically prohibited in Accident Potential Zones "B" associated with the Spokane International Airport and Fairchild Airforce Base.

   a. Child day-care center
   b. Church
   c. Community residential facility
   d. Community treatment facility
   e. Family day-care provider
   f. Heliport or helipad
   g. Hospital
   h. Hotel
   i. Manufactured home park
   j. Motel
   k. Nursing home
   l. Participant sports and recreation
   m. Recreational vehicle park
   n. School
   o. Spectator sports facility
   p. Theater
   q. Residential subdivision as defined in Chapter 58.17 RCW as well as residential binding site plans as defined in the Spokane County Subdivision Ordinance.

2. The following primary uses and accessory uses are specifically prohibited in Accident Potential Zones "B" associated with the Felts Field and Deer Park Airport.

   a. Child day-care center
   b. Church
   c. Community residential facility
   d. Community treatment facility
   e. Family day-care provider
   f. Heliport or helipad
   g. Hospital
   h. Hotel
   i. Manufactured home park
   j. Motel
   k. Nursing home
   l. Participant sports and recreation
   m. Recreational vehicle park
   n. School
   o. Spectator sports facility
   p. Theater