

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE SPOKANE)	
COUNTY ZONING CODE REGARDING CHICKEN)	FINDINGS OF FACT
KEEPING IN THE LOW DENSITY RESIDENTIAL)	AND DECISION
ZONE, SPOKANE COUNTY FILE NO. 21-ZTA-01)	

WHEREAS, pursuant to the provisions of Section 36.32.120(6) RCW, 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 such other powers as are or may be conferred by law; and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board 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, in compliance with RCW Chapter 36.70 the Board adopted a Comprehensive Plan for Spokane County on December 22, 1980, and has subsequently amended said Plan; and

WHEREAS, pursuant to Washington Laws, 1993, 1st Special Session, Chapter 6, effective June 1, 1993, Spokane County was required under RCW 36.70A.040 to conform to the requirements of the Growth Management Act Chapter 36.70A RCW (GMA); and

WHEREAS, pursuant to the requirements of RCW 36.70A.140, the Board adopted Public Participation Program Guidelines on February 24, 1998 under Resolution 98-0144 and adopted amendments to the policies under Resolution No. 98-0788 and No. 06-0869; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Board on May 5, 2004, under Spokane County Resolution No. 04-0461 adopted a new Zoning Code to implement the Goals and Policies of the Comprehensive Plan and may amend the same from time to time; and

WHEREAS, Chapters 36.70 and 36.70A RCW, requires the Spokane County Zoning Code to be consistent with the goals and policies of the Spokane County Comprehensive Plan; and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board created a Planning Commission, hereinafter referred to as the "Commission", which may make recommendations concerning the adoption of comprehensive plans and official controls that implement comprehensive plans; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Commission may make recommendations concerning the adoption of official controls that implement comprehensive plans; and

WHEREAS, in March of 2021, the Board, at the request of interested citizens, asked the Department of Building and Planning to investigate the feasibility of small animal keeping in the County's urban residential areas; and

WHEREAS, the Department researched this issue and based upon the discussions with local area jurisdictions that had implemented zoning code changes to allow animal raising and keeping in urban environments, and conversations with the WSU Extension office, the Department's recommendation was to limit the animal keeping to female chickens in the Low Density Residential Zone; and

WHEREAS, a draft ordinance was produced and a zoning code amendment process begun; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt the amendments and request for review was sent to the Department of Commerce on June 29, 2021 and no comments were received; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a non-project Determination of Nonsignificance (DNS) was issued on July 14, 2021 for the proposed amendment;

WHEREAS, pursuant to WAC 197-11-340(2), the Department provided a 14-day comment period for the Determination of Nonsignificance (DNS) issued on the proposed amendments, and noticed a public hearing before the Commission for July 14, 2021, to receive public testimony and comment and review and consider the proposed amendment files; and

WHEREAS, the comment and appeal period initially ended on July 28, 2021; and

WHEREAS, the Department took no action on the proposed amendment until the 14-day comment period passed; and

WHEREAS, after meeting requirements for public notice and environmental review, as detailed in the Staff Report, the Commission held a public hearing on July 29, 2021, to receive public testimony, consider and act on the proposed amendment to the Spokane County Zoning Code text, as provided for herein; and

WHEREAS, during the public hearing, the Commission considered public testimony, agency comments and the Building and Planning Department staff report; and

WHEREAS, on July 29, 2021, the Commission, after deliberation, voted unanimously to recommend approval of the proposed Spokane County Zoning Code

amendment, and directed staff to prepare formal Findings of Fact and Recommendation of such decision; and

WHEREAS, on September 30, 2021, the Commission adopted its formal Findings of Fact and Recommendation recommending approval of the proposed text amendment; and

WHEREAS, due to a potential violation of Spokane County Environmental Code 11.10, which permits administrative appeals up to seven days after public testimony has closed, Spokane County reopened the ability to administratively appeal the SEPA determination for this proposed change on October 13, 2021, with an appeal deadline of November 18, 2021, the right to public comment however appropriately ended on July 29, 2021 and therefore was not reopened; and

WHEREAS, said reopening of the appeal period was published in the Spokesman Review on October 13, 2021; and posted on the Department of Building and Planning web page; and

WHEREAS, no appeal was received on the SEPA determination; and

WHEREAS, the Board received the Commission's recommendation regarding the proposed amendment on November 16, 2021 and noticed the matter for consideration and action on November 30, 2021, at the Board's regular public meeting; and

WHEREAS, on November 30, 2021, the Board having considered the Commission's *Findings of Fact, Recommendation and Status Report*, all public testimony and submitted written comments of record, staff reports, information contained in the proposed Spokane County Zoning Code amendment, File No. 21-ZTA-01, being fully apprised of the requirements under the Growth Management Act (RCW 36.70A), the Spokane County Comprehensive Plan, the State Environmental Policy Act (Chapter 43.21C RCW), the Spokane County Zoning Code, and other applicable County Development Regulations, the Chair of the Board accepted a Motion and Second on each proposal and unanimously determined it in the best interests of the public's health, safety, and welfare to adopt the Commission's *Findings of Fact, Recommendations* and voted to approve the Spokane County Zoning Code amendment identified as 21-ZTA-01, as recommended by the Commission; and

WHEREAS, a copy of the Commission's *Findings of Fact and Recommendation* includes a summary of the proposed amendment requested along with findings and recommendations of the Planning Commission for the proposed amendment is specified in Attachment "A" and incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED that the Board after considering all of the above, approves the proposed amendment to the Spokane County Zoning Code, as recommended by the Commission, and enters the following Findings of Fact.

FINDINGS OF FACT

#1

The Board adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with these below additional Findings of Fact.

#2

Spokane County Department of Building and Planning sought public input on this proposal with the following actions:

- Circulation of the proposal and State Environmental Policy Act (SEPA) checklist to affected Spokane County and regional agencies of jurisdictions
- Notice of Hearing published in the legal notice section of the Spokesman Review, a newspaper of County-wide general circulation, on, July 14, 2021
- Notice of hearing published on the Spokane County Building and Planning web page
- Circulation of amendment to state agencies for review
- Publication of amendment, supporting documents, and maps on Spokane County Building and Planning internet site
- Use of the News Flash feature on the Spokane County Building and Planning Web site which sends notices to parties who have registered for the service for the purpose of early public comment on a draft of the proposal
- Circulation of an early draft of the proposal to local cities and the Washington State University Extension office for comments and suggestions

#3

Public testimony was heard and considered by the Planning Commission in regard to the proposed Spokane County Zoning Code amendment.

#4

The Board acknowledges and concurs with the State Environmental Policy Act Determination of Nonsignificance (DNS) issued by the Department on July 14, 2021, with respect to the text amendment to the Spokane County Zoning Code.

#5

The Board concurs with the attached Findings of Fact, Conclusion and Recommendations of the Planning Commission dated September 30, 2021.

#6

Pursuant to the provisions of Chapter 36.70A RCW, the proposed amendment is consistent with the goals and policies of the Spokane County Comprehensive Plan.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to publish a notice of adoption pursuant to RCW 36.70A.290 (2)(b).

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to send a copy of the revision to the Zoning Code as contained herein to the Washington State Department of Commerce pursuant to RCW 36.70A.106 within 10 days of adoption.

BE IT FURTHER RESOLVED that the Board makes part of these findings and decision all files in the Department of Building and Planning, Planning Commission, and the Board of County Commissioners along with the recordings, documents and files of all public hearings related to this matter and further adopts all recitals herein as findings of fact.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 7th day of December, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON




JOSH KERNS, CHAIR


MARY L. KUNEY, VICE-CHAIR


AL FRENCH, COMMISSIONER

ATTEST:


Ginna Vasquez, Clerk of the Board

Attachment A

Spokane County Draft Code Section:

The purpose of the proposed amendment is to preserve the compatibility between neighboring properties while allowing County residents in suburban environments the ability to raise and keep chickens, thereby increasing the availability of a sustainable food supply closer to the home of the consumer.

Proposed new text is underlined and highlighted.

Table 606-1, Residential Zones Matrix

Residential Uses	LDR	LDR-P	MDR	HDR
Accessory dwelling unit, attached	L	L	L	L
Accessory dwelling unit, detached	CU	CU	CU	CU
Animal raising and/or keeping	N	L	N	N
Beekeeping	L	L	L	L
<u>Chicken Keeping and Raising</u>	<u>L</u>	<u>L</u>	<u>N</u>	<u>N</u>
Community residential facility (8 or fewer residents) (EPF)	P	P	N	N
Community residential facility (greater than 8 residents, no more than 25 residents) (EPF, LDR/LDR-P Zones)	N	N	P	P
Community treatment facility (8 or fewer residents) (EPF)	CU	CU	N	N
Community treatment facility (greater than 8 residents, no more than 20 residents) (EPF, LDR/LDR-P Zones)	N	N	CU	CU

14.606.230 Limited Uses with Specific Standards Uses that are categorized with an “L” in table 606-1, Residential Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.606.220 (Residential Zones Matrix) and section 14.606.230, section 14.606.230 shall govern...

4. Chicken Keeping and Raising (LDR)

- a) **Allowed as an accessory use on lots containing dwellings**
- b) **One chicken per 1,000 square feet of lot area**
- c) **Roosters keeping is prohibited**
- d) **Pens, hutches, and enclosures shall be setback a minimum of 25 feet from dwellings on adjacent properties**
- e) **Pens, yards and, grazing areas shall be kept in a clean and sanitary condition, as determined and enforced by the Spokane County Regional Health District**

5. Chicken Keeping and Raising (LDR-P)

- a) **See “Animal raising and/or keeping” standards in Table 606-1**

STAFF REPORT TO THE PLANNING COMMISSION
PUBLIC HEARING JULY 29, 2021
PROPOSED AMENDMENT OF THE SPOKANE COUNTY ZONING CODE
FILE NO: 21-ZTA-01

SPOKANE COUNTY
DEPARTMENT OF BUILDING AND PLANNING

Proposal:

An amendment to the Spokane County Zoning Code, Chapter 14.606, that would allow for the keeping and raising of chickens in the Low Density Residential Zone.

Purpose:

The purpose of the proposed amendment is to allow county residents, in suburban environments, the ability to keep and raise chickens, thereby increasing the availability of a sustainable food supply closer to the home of the consumer while at the same time preserving the compatibility between neighboring properties.

Background:

In March of 2021, the Board of County Commissioners asked the Department of Building and Planning to look into animal raising and keeping in urban zones. Staff researched this issue and provided a recommendation on the topic. Based upon discussions with local jurisdictions that have implemented zoning code changes to allow animal raising and keeping in urban environments, and conversations with the WSU Extension office and Spokane County Regional Animal Protection Services (SCRAPS), planning staff recommend the following:

- The County should consider a pilot program limited to keeping of chickens
- The program should prohibit keeping of roosters
- The program should be limited to the Low Density Residential Zone (LDR)
- An informational brochure on the topic should be produced and be made available on the Building and Planning webpage

During our research, staff contacted the City of Spokane, Spokane Valley, Airway Heights, and Cheney, speaking to both their Planning Departments and the Code Enforcement personnel to evaluate their experiences with the topic. Most jurisdictions that allowed chickens had few complaints if roosters were excluded.

The City of Spokane modified its ordinance in 2014 to allow a large variety of small farm-type animals. This variety of species led to a complicated code that contains educational certificate requirements for some of the less common animals and resulted in additional code enforcement activity and challenges. It was reported that many of the newly allowed animals were pets rather than sources of food or fiber, and that conflicts developed which became code enforcement challenges and calls for service from SCRAPS.

Public Notice:

Notice of the public hearing for the proposed amendment was published in the Legal Notice section of the Spokesman Review on July 14, 2021. The proposal was shared with local agencies for review and comment on July 14th, 2021 with comments requested by July 28, 2021. Washington State Department of Commerce was also notified per RCW 36.70A.106, on June 29, 2021.

Environmental Review:

A nonproject environmental checklist was prepared in compliance with the Washington State Environmental Policy Act. The checklist was reviewed by Building and Planning Department Staff and a Determination of Nonsignificance (DNS) was issued on July 14, 2021. The DNS was circulated to agencies with an appeal period ending on July 28, 2021. The DNS was also published in the Spokesman Review on July 14, 2021. No appeals have been filed at the time of production of this report.

Consistency with the Comprehensive Plan:

Urban Land Use Chapter

In the introductory paragraph of this section, there is a statement, "The policies in this chapter strive to improve quality of life, provide opportunities for innovative approaches to land use and protect our community character." It can be asserted that allowing the production of food closer to the consumer is innovative and may reduce vehicle trips and lead to a greater feeling of self-sufficiency. This change may also improve the quality of life by allowing people to learn and experience some of the aspects of food production.

Within the "Planning Principles" paragraph there is a statement that reads "...services and other activities should be within easy walking distance and shorter commute times of each other." Moving the ability to produce food to the backyard supports this statement.

Within the "General Goals" paragraph, Goal UL.1a states; "Provide a healthful, safe and sustainable urban environment that offers a variety of opportunities for affordable housing and employment." Producing one's food is part of the greater concept of a sustainable urban environment and it can be argued that the food produced at home would be more healthy for you than food produced in a factory.

Goal UL.1b states "Create a future rich in cultural and ethnic diversity that embraces family and community values and recognizes the interests of the whole community." It can be argued that allowing chicken keeping and raising, in a limited manner in the backyards in the Low Density Residential zone, helps to create neighborhoods rich in culture.

PROPOSED AMENDMENT TO SPOKANE COUNTY ZONING CODE

Attachment A

**BEFORE THE SPOKANE COUNTY
PLANNING COMMISSION**

A RECOMMENDATION TO THE BOARD OF COUNTY)	
COMMISSIONERS IN THE MATTER OF AMENDING THE)	FINDINGS OF FACT
SPOKANE COUNTY ZONING CODE REGARDING)	AND
CHICKEN KEEPING AND RAISING IN THE LOW DENSITY)	RECOMMENDATION
RESIDENTIAL ZONE (LDR), FILE NO. 21-ZTA-01)	

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 Chapters 36.70 and 36.70A RCW, the Commission may make recommendations concerning the adoption of official controls that implement comprehensive plans; and

WHEREAS pursuant to the provisions of 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, said regulation becoming effective June 1, 2004; and

WHEREAS, Spokane County may amend its Development Regulations periodically per (RCW 36.70A); and

WHEREAS, after provisions of the required public notice and environmental review were met as detailed in the Staff Report, the Commission held a public hearing on July 29, 2021, to consider an amendment to the Spokane County Zoning Code, Chapter 14.606, that would allow for the keeping and raising of chickens in the Low Density Residential Zone.; and

WHEREAS pursuant to RCW 36.70A.106, a notice of intent to adopt the amendments and request for review was sent to the Department of Commerce on June 29, 2021, and no comments were received; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a non-project Determination of Nonsignificance (DNS) was issued on July 14, 2021, for the proposed amendment and the comment and appeal period ended on July 28, 2021. No appeal or comments of the environmental determination were received; and

WHEREAS, after meeting requirements for public notice and environmental review, as detailed in the Staff Report to the Commission dated July 16, 2021, the Commission held a public hearing on July 29, 2021, for the proposed amendment to the Spokane County Zoning Code, as provided for herein; and


WHEREAS, the Commission provided the opportunity for written or verbal public testimony at the public hearing. One written comment in opposition was submitted prior to the hearing and made part of the record the time of the public hearing; and

WHEREAS, following testimony from all those who wished to testify, the hearing was

Board approval of the proposed text amendments to the Spokane County Zoning Code, as included in Attachment "A".

ADOPTED on the 30th day of September 2021


SPOKANE COUNTY PLANNING COMMISSION



Stephen Pohl, Chair




Pete Rayner, Vice Chair



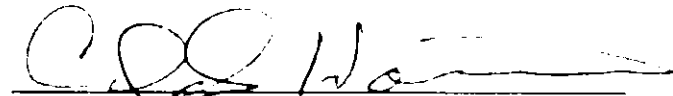
Deacon Band



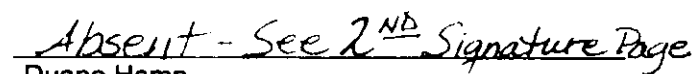
Wayne Brokaw



Jim Carollo

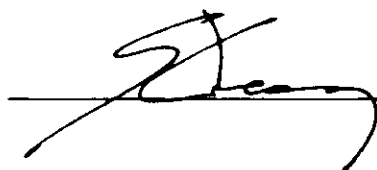


Clyde Haase



Duane Hamp

ATTEST: Scott Chesney, AICP
Planning Director
Department of Building and
Planning

BY: 

PROPOSED AMENDMENT TO SPOKANE COUNTY ZONING CODE

Attachment A

AGENDA SHEET

SUBMITTING DEPARTMENT: Building and Planning

CONTACT PERSON: Robert Brock, AICP

PHONE NUMBER: 509-477-7213

CHECK TYPE OF MEETING ITEM BELOW:

9:00 AM CEO MEETING:

2:00 PM CONSENT AGENDA:
BY LEAVE:

5:30 PM LEGISLATIVE SESSION:
BY LEAVE:

SPECIAL SESSION:

BELOW FOR CLERK'S USE ONLY:

Clerk's Resolution No. 21 - 0844
Approved: Majority/Unanimous _____
Denied: Majority/Unanimous _____
Renews/Amends No. _____
Public Works No. _____
Purchasing Dept. No. _____

AGENDA TITLE:

An amendment to the Spokane County Zoning Code to allow chicken keeping and raising in the Low Density Residential Zone

BACKGROUND: (Attach separate sheet(s) if necessary):

The proposal consists of an amendment to the Spokane County Zoning Code that would allow for the keeping of one hen per 1,000 square feet of yard area in the Low Density Residential Zone.

FISCAL IMPACT:

None

REQUESTED BOARD ACTION:

Receive Planning Commission recommendation on October 5, 2021 and set October 12, 2021 to consider an amendment to the Spokane County Zoning Code.

SIGNATURES: (Signatures must be completed before submitting to the Clerk of the Board).

1) Legal Department

2) Auditor's Office

3) Budget Office

RWB

4) Department Head/Elected Official or Designated Authority (Requesting Agenda Item)

5) Central Services

Other

This item will need to be codified in the Spokane County Code.