

City of Cheney, Washington

Resolution No. C-815

A Resolution amending the Cheney Comprehensive Plan, amending the Essential Public Facilities Element, and adopting the Spokane County Regional Siting Policy for Essential Public Facilities Regional Siting Process

WHEREAS, the State of Washington has required the City of Cheney to adopt certain changes in its Comprehensive Plan, in order to provide a regional process for siting secure community transition facilities as an essential public facility in Spokane County, and

WHEREAS, after numerous public meetings and public hearings, the Cheney Planning Commission has recommended approval of the proposed amendment to the Essential Public Facility element of the Cheney Comprehensive Plan, and

WHEREAS, failure to adopt the proposed changes would result in the State of Washington's preemption of the City's land use regulations pertaining to secure community transition facilities,

NOW THEREFORE, the City Council of the City of Cheney resolves:

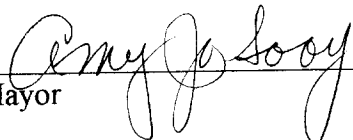
1. The Essential Public Facilities element of the Cheney Comprehensive Plan is amended to read as shown in Exhibit "A."
2. The written recommendation of the Cheney Planning Commission recommending approval of the proposed amendment of the Essential Public Facilities element is adopted by the Cheney City Council in support of this Resolution.

Adopted this 13th day of August, 2002

Exhibit "A"

Approved:

Attest:

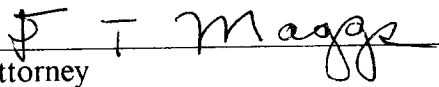


Mayor



City Clerk

Approved as to form:



City Attorney

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CHENEY, WASHINGTON**

In the matter of a request of the Planning Commission)
to recommend to City Council the adoption of the) Findings of Fact,
Spokane County Siting Process for Essential Public) Conclusions, and
Facilities as the process the City of Cheney will use) Decision.
when siting an essential public facility deemed to be)
of a state-wide or regional/county-wide nature.)

FILE NUMBER: CPA-02-02 / RZ-06-02

I SUMMARY OF PROPOSAL AND DECISION

Proposal: Public capital facilities of a state-wide or regional/county-wide nature generally have characteristics which typically make them difficult to site. The Growth Management Act (GMA) requires that the County Wide Planning Policies (CWPP) address the need to site these necessary facilities throughout the county in a equitable manner and specifically prohibits local comprehensive plans and development regulations from precluding these uses from their communities. The CWPP also stress the necessity of active citizen involvement in siting decisions and the need to carefully consider transportation, site design, and other service needs when evaluating potential locations for these essential public facilities of a state-wide and regional/county-wide nature. These policies commit the GMA planning jurisdictions of Spokane County to develop a common siting process for these facilities. An inter-jurisdictional approach to site such facilities was undertaken by the twelve jurisdictions, (not to include the City of Spokane Valley), Spokane County and Fairchild Air Force Base commonly named the "Spokane County Regional Siting Process for Essential Public Facilities." This plan outlines a series of steps state agencies must follow when they want to build a high-impact project anywhere within Spokane County. The siting plan takes into consideration a number of factors when ranking the appropriateness of sites such as surrounding land use, environmental impacts, transportation access, equitable distribution, etc.

Decision: Based upon the Findings-of-Fact and Conclusions contained herein, the City of Cheney Planning Commission recommends to City Council approval of the proposed Spokane County Regional Siting Process for Essential Public Facilities as described and with any adjustments to satisfy the questions the Department of Social and Health Services had.

II GENERAL INFORMATION

- a. Applicant: Planning Jurisdictions of Spokane County
- b. Address: 609 Second Street, Cheney, Washington 99004

- c. Agent: Cheney Planning Department
d. Address: 112 Anderson Road, Cheney, Washington 99004
e. SEPA Determination: Spokane County as Lead Agency
Determination of Nonsignificance (DNS)

III REGULATORY AUTHORITY

- RCW 35A.63 - Planning and Zoning in Code Cities
RCW 36.70A - Growth Management – Planning by Selected Counties and Cities.
RCW 36.70A.200 - Siting of essential public facilities.
RCW 71.09.290 - States the criteria for siting Secure Community Transition Facilities.
WAC 197-11-944 - Agreements on division of lead agency duties for SEPA review.

IV PROCEDURAL INFORMATION

1. Hearing Date and Location: July 8, 2002
609 Second Street, Cheney, WA 99004
City Council Chambers
2. Recommendation: Approval with conditions
3. City Council Approval: Pending
4. Public Notification: Published in the Cheney Free Press, June 20, 2002

5. Testimony: Kelly J. Cunningham
Community Programs Manager
Department of Social and Health Services
P.O. Box 45322
Olympia, WA 98504-5322

V FINDINGS-OF-FACT

1. That the City met all public notification provisions required in Section 21.01-110, of the Cheney Municipal Code, entitled Procedure for comprehensive plan amendments.
2. That Chapter 14 of the Cheney Comprehensive Plan addresses the siting of essential public facilities.
3. That essential public facilities are defined as a necessary component of a system or network which provides a public service or good and may be difficult to site because of significant opposition.
4. That there are three types of essential public facilities; those of a state-wide nature, a regional or county-wide nature, and local essential public facilities.

5. That essential public facilities of a local nature are sited according to local policies and ordinances, and would not be subject to the requirements of the Spokane County Regional Siting Process for Essential Public Facilities.
6. That RCW 36.70A.200 entitled siting of essential public facilities requires all cities planning under the Growth Management Act include a process for identifying and siting essential public facilities of a state-wide or regional/county-wide nature.
7. That cities not complying with the requirements of RCW 36.70A.200 by September 1, 2002 risk being preempted by state agencies seeking to site an identified essential public facility, effective October 1, 2002.
8. That the County Wide Planning Policies for Spokane County commit the GMA planning jurisdictions of Spokane County to develop a common siting process for essential public facilities of a state-wide or regional/county-wide nature.
9. That the following jurisdictions combined to develop an inter-jurisdictional, collaborative approach for siting essential public facilities of a state-wide or regional/county-wide nature entitled "Spokane County Regional Siting Process for Essential Public Facilities": City of Spokane, City of Cheney, City of Medical Lake, City of Airway Heights, City of Deer Park, City of Liberty Lake, Town of Fairfield, Town of Latah, Town of Millwood, Town of Rockford, Town of Spangle, Town of Waverly, Spokane County, and Fairchild Air Force Base.
10. That written testimony was read into the public record from the Department of Social and Health Services regarding the Department's concern that the Spokane County regional siting process requires all group homes and other housing for DSHS clients complete the regional siting process.
11. That licensed residential facilities for persons with handicaps and for children are protected under state and federal law and may not be treated differently than similar residential structures occupied by a family or other unrelated individuals.
12. That the City of Cheney, by means of its zoning ordinance, Section 21.14.030, allow in the R-1, single-family residential zone, adult family homes as a permitted use making that use permitted in all residential zones of the city.
13. That Kelly J. Cunningham, Community Programs Manager for the Department of Social and Health Services had the following comments regarding the Spokane County Regional Siting Process for Essential Public Facilities:
 - a. The length of time to complete the proposed siting process is unknown and unclear. Given the complexity of the process, it could take such a long time that it could be a barrier, not a means, to siting the facility,

- b. That the process does not provide an adequate road map for the applicant to navigate the process. The process must be clarified to show exactly how the applicant is to initiate the process, what information is to be provided, and to whom.
 - c. Who is responsible for each step in the process and how is each step to be initiated?
 - d. What role and responsibilities do local jurisdictions have during the siting process?
 - e. What authority does the applicant have in the process and when does he have it versus the authority of the county and local jurisdictions?
 - f. Is the Board of County Commissioners' decision binding if there is a disagreement between the local jurisdiction and the Board? If not, what happens then?
 - g. Stated that the equitable distribution philosophy in the regional process does not reflect the state law requirements on equitable distribution which have to be considered by cities, counties, and DSHS when siting a SCTF.
 - h. The sections in the regional process entitled "Analysis of Functional and Qualitative Criteria" needs clarification.
 - i. As written, the requirements in the regional process could be prohibitively expensive, burdensome, and ultimately preclusive.
 - j. Stated that requiring the applicant to identify ten (10) potential sites as semi-final alternatives would unnecessarily alarm large numbers of neighboring residents and said that DSHS would prefer that initial list to be limited to five (5) potential sites.
 - k. Stated DSHS has concerns about the weighting of criteria and who does the weighting. He felt that having potential neighbors do the weighting might not be the best approach because neighbors may have conflicts of interest and be biased in weighing pros and cons.
 - l. Stated DSHS has concerns about the requirements regarding mitigation. The state law passed in the last session lists specific requirements for mitigation for SCTFs, including what kind of costs can be funded. If the process were to require mitigation beyond what state law and budget provide, this would be preclusive.
14. That this is a generic process and not intended solely for siting a secure community transition facility but, a process for siting all essential public facilities determined by the Spokane County Board of County Commissioners to be of a state-wide or regional/county-wide significance.

VII CONCLUSIONS

1. The City has complied with all public notification provisions as required in Section 21.56.050 of the Cheney Municipal Code.

2. That changes to the process as outlined should be expected especially after the hearing before the Board of County Commissioners.
3. That the only choice the City has is to sign on to this process, even if some aspects of it are changed later.
4. That a revised version of the process will undoubtedly come back before the Commission before a final approval is granted.
5. The "less restrictive than state law" clause of the House Bill makes putting in place protective measures at the local level unlikely.

VIII DECISION

Based upon the Findings-of-Fact and Conclusions contained herein, the City of Cheney Planning Commission recommends to the City Council approval of the proposed Spokane County Regional Siting Process for Essential Public Facilities as described and with any adjustments or amendments to satisfy the questions the Department of Social and Health Services and the Office of Community Development had regarding the siting process.

Dated this ____ day of August, 2002

Attested:

Wayde Burnett, Chairman
Cheney Planning Commission

Glenn R. Scholten
Secretary

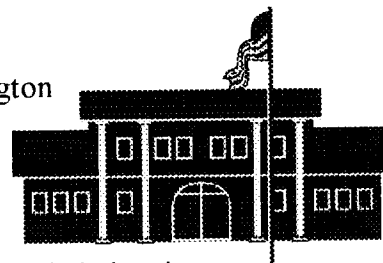
CHAPTER 14

SITING ESSENTIAL PUBLIC FACILITIES

- 14.1 PURPOSE**
- 14.2 GOALS, OBJECTIVES AND POLICIES**
- 14.3 DEFINITION OF ESSENTIAL PUBLIC FACILITY**
- 14.4 REGIONAL SITING PROCESS**
- 14.5 AMENDMENTS**

14.1 PURPOSE

In accordance with the requirements of the Washington State Growth Management Act, and following an extensive policy review process by the Spokane County Steering Committee, the Spokane County Commission has adopted a series of county-wide planning policies to guide the preparation of City and County Comprehensive Plans. Included therein are policies addressing the siting of "public capital facilities of a countywide or statewide nature," as specifically required by the GMA. These policies commit the GMA planning jurisdictions of Spokane County to develop a common siting process for these facilities.



The GMA further requires local governments to develop a process for identifying and siting "essential public facilities" and to incorporate that process into their local comprehensive plans. As indicated and defined by WAC 365-195-340, essential public facilities can be difficult to site, and their location in a community may be locally unpopular. Local and state governments are charged by GMA with the task of ensuring that such facilities, as needed to support orderly growth and delivery of public services, are sited in a timely and efficient manner.

The Spokane County Regional Siting Process for Essential Public Facilities is intended to address the siting of essential public facilities not already sited by a local comprehensive plan and for which discretionary land use action is required. This siting process set forth below is also intended to meet GMA requirements, as well as the intent of the county-wide planning policies. A final objective is to enhance public participation during the early stages of facility siting, and to reduce the time spent analyzing unacceptable sites thereby producing earlier siting decisions, free of political contention that are also consistent with community/county goals.

14.2 GOALS, OBJECTIVES AND POLICIES

14.2.1 Goals

1. To facilitate the siting of public and private essential public facilities when the essential public facility is of a state-wide or regional/county-wide nature.

14.2.2 Objectives

1. To ensure essential public facilities will be reviewed in an equitable manner.
2. To provide general consistency among jurisdictions when developing specific measures for meeting goals for the GMA, County-Wide Planning Policies, and the Model Regional Siting Process.
3. To enhance public participation during the early stages of facility siting.

14.2.3 Policies

1. Follow the process for siting of essential public facilities as set forth in the Spokane County Regional Siting Process for Essential Public Facilities.

14.3 DEFINITION OF ESSENTIAL PUBLIC FACILITY

Any facility owned or operated by a unit of local or state government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission may qualify as an "essential public facility" (or EPF). In general, an essential public facility will be characterized by the following:

1. it is a necessary component of a system or network which provides a public service or good; and
2. it may be difficult to site because of significant opposition.

Essential public facilities of a **county-wide** nature are those which serve a population base extending beyond the host community - which may include several local jurisdictions within Spokane County or a significant share of the total county population. Such facilities may include, but are not limited to, the following examples: airports, state education facilities, regional parks, state or regional transportation facilities, state or local correctional facilities, solid waste-handling facilities, in-patient facilities including substance abuse facilities, mental health facilities, secure community transition facility, and group homes. Other facilities meeting the basic definition above and whose sponsor desires to utilize this siting process may be qualified as essential public facilities by completing the designation procedure described below.

Essential public facilities of a state-wide or regional/county-wide nature may include, but are not limited to, those facilities listed above which serve a multi-county

population base; or other large public or private facilities appearing on the Office of Financial Management (OFM) list to be maintained under RCW 36.70A.

14.4 REGIONAL SITING PROCESS

The City of Cheney, an incorporated entity for Spokane County and political subdivision of the State of Washington, in conjunction with the remaining incorporated small towns and cities and with the City of Spokane and Spokane County have entered into an agreement to develop and initiate a regional siting process for siting essential public facilities of a state-wide or regional/county-wide significance. This document officially titles "Spokane County Regional Siting Process for Essential Public Facilities: with an effective date of 2002, and therefore amended is adopted by reference and is on file at the City of Cheney Planning Department, 112 Anderson Road, Cheney, WA.

14.5 AMENDMENTS

This siting process may be amended, upon recommendation by the Spokane County Board of County Commissioners, through established procedures approved by all incorporated entities of Spokane County.