

STAFF REPORT TO THE PLANNING COMMISSION
PUBLIC HEARING MARCH 15, 2018
PROPOSED AMENDMENT OF THE SPOKANE COUNTY ZONING CODE
FILE NO. 18-ZTA-01

SPOKANE COUNTY
DEPARTMENT OF BUILDING AND PLANNING

Proposal

The proposal consists of an amendment to the Spokane County Zoning Code that would allow for accessory uses that are classified as nonagricultural uses or activities in areas zoned as Resource Lands, under limited circumstances. This is consistent with changes to the Growth Management Act, specifically RCW 36.70A.177, which was brought on by the passage of Substitute House Bill 2917 in 2006. The proposed amendment is included as Attachment A in this report.

Public Notice

Notice of the proposed amendment was published in the Legal Notice section of the Spokesman Review on February 28, 2018. The proposal was mailed to 30 agencies for review and comment dated February 28, 2018 with comments requested by March 14, 2018. Washington State Department of Commerce was also notified in accordance with RCW 36.70A.106 on February 13, 2018. The public hearing is scheduled for March 15, 2018, at 9:00 am or as soon as possible thereafter in the Public Works Hearing Room, located at 1026 West Broadway Avenue, Spokane, WA, 99260. Verbal and written testimony will be accepted at the public hearing.

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 Staff and a Determination of Nonsignificance (DNS) was issued on February 28, 2018. The DNS was circulated to 30 agencies with an appeal period ending on March 14, 2018. The DNS was also published in the Spokesman Review on February 28, 2018. No comments or appeals have been filed at the time of production of this report.

Spokane County Comprehensive Plan

In the Spokane Comprehensive Plan, there is limited text as it relates to accessory uses in Resource Zones. However, the following Comprehensive Plan goals and policies generally support the proposed amendment to the Spokane County Zoning Code.

Natural Resource Lands Chapter of Spokane County Comprehensive Plan

Spokane County is blessed with productive resource lands that are important to the local economy. If these lands are protected from incompatible development, they can continue to benefit future generations. In the past, urban development, especially in the Spokane River Valley, covered both high-quality agricultural land and large deposits of quality sands and gravels. Due to the urbanization, it is unlikely that these resources will be available for future

generations. Designating and protecting the County's remaining resource lands ensures that these remaining areas will not be lost to incompatible development.

The first step in protecting resource lands is to identify those lands that possess the characteristics to support long-term commercial resource production. For commercial agriculture and forestry, it is necessary to identify lands with productive soil and favorable climatic conditions. Mineral resources must meet criteria of quality, quantity and accessibility for commercial viability. Location of mineral resources is important, since the cost of transporting them adds greatly to cost.

Goals

- NR.1a Provide for necessary natural resources while preserving and protecting the natural environment and private property rights.
- NR.1b Ensure adequate supply, long-term conservation and wise stewardship of natural resources within Spokane County for the benefit of current and future residents.
- NR.3 Land uses shall be consistent with the conservation of designated resource lands and shall not interfere with resource land management practices.
- NR.4 Use best management practices and other innovative techniques in a sustainable and environmentally sensitive manner to protect natural resources from incompatible activities.

Policies

NR.3.1 Viable agricultural, forestry and mining activities shall be protected from conflicts through the use of zoning requirements, plat requirements, grandfather rights, and similar methods.

NR.3.4 Uses permitted on or near resource lands must be compatible and not interfere with economic benefit provided by that natural resource.

NR.3.13 Home professions, home industries and accessory uses should be allowed within designated resource lands provided they do not adversely affect the rural character or conflict with resource-based economic issues.

NR.3.14 Development regulations for home professions, home industries and accessory uses shall protect adjacent properties from negative impacts and shall be consistent with maintaining natural resource activities.

This proposal is consistent with the Spokane County Comprehensive Plan goals and policies and the Growth Management Act.

Attachments

- A. Agricultural Accessory Uses Text Amendment Language (18-ZTA-01).

PROPOSED AMENDMENTS TO SPOKANE COUNTY ZONING CODE

(Additions are underlined, deletions are ~~lined-out~~)

Attachment A

Chapter 14.616 – Resource Lands

14.616.210 Types of Uses

The uses for the resource lands shall be as permitted in table 616-1, Resource Lands Matrix. ~~Accessory uses and structures ordinarily associated with a permitted use shall be allowed.~~ Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. Permitted Uses: Permitted uses are designated in table 616-1 with the letter “P”. These uses are allowed if they comply with the development standards of the zone.

2. Accessory Uses: Accessory uses shall be consistent with the requirements for accessory uses identified in Section 14.616.230.

~~32.~~ **Limited Uses:** Limited uses are designated in table 616-1 with the letter “L”. These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.616.230

~~43.~~ **Conditional Uses:** Conditional Uses are designated in table 616-1 with the letters “CU”. These uses require approval of a conditional use permit as set forth in Chapter 14.404, Conditional Use Permits. Conditional uses are also subject to standards and criteria as may be required under Section 14.616.240, Conditional Use Permits. Conditional use permits require a public hearing before the Hearing Examiner.

~~54.~~ **Not Permitted:** Uses designated in table 616-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.

~~65.~~ **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 616-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended.

~~76.~~ **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.160. Classifications shall be consistent with Comprehensive Plan policies.

14.616.220 Resource Lands Matrix

Table 616-1, Resource Lands Matrix

<i>Agricultural Uses</i>	<i>Large Tract Agricultural</i>	<i>Small Tract Agricultural</i>	<i>Forest Lands</i>
<u>Accessory Uses</u>	<u>L</u>	<u>L</u>	<u>L</u>

14.616.230 Uses with Specific Standards

Uses that are categorized with an “L” in table 616-1, Resource Lands Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.616.220 (Resource Lands Matrix) and section 14.616.230, section 14.616.230 shall govern.

- x. Accessory uses (LTA, STA, F zones)
 - a. Accessory uses in the LTA and STA zones shall be located, designed, and operated to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties. Accessory uses may include the following:
 - i. Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and
 - ii. Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses.
 - b. Accessory uses in the Forestry zone may include those uses and structures ordinarily associated with a permitted use.

*Note: Numbering in Section 14.616.230 will be revised to reflect the addition of the above.
Reference RCW 36.70A.177 and SHB 2917, 2007*