

NO. 14-0805

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING AN INTERIM AIRPORT)
OVERLAY ZONE APPLICABLE TO SPOKANE)
INTERNATIONAL AIRPORT AND UNINCORPORATED) RESOLUTION
SPOKANE COUNTY)

WHEREAS, pursuant to the provisions of RCW 36.32.210(6), the Board of County Commissioners of Spokane County, Washington has the care of County property and the management of county funds and business;

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

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

WHEREAS, pursuant to RCW Chapter 36.70A, the Board adopted the Spokane County Comprehensive Plan by Resolution No. 1-0799 on August 24, 2001; and

WHEREAS, pursuant to the provisions of RCW Chapters 36.70 and 36.70A, 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, and said regulation became effective June 1, 2004; and

WHEREAS, RCW 36.70.795 provides that:

"A board that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the board received a recommendation on the matter from the commission or department. If the board does not adopt findings of fact justifying its action before this hearing, then the board shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal"

; and

WHEREAS, RCW 36.70A.390 provides that:

"A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least six days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal."

; and

WHEREAS, moratoriums and interim zoning controls enacted under RCW 36.70A.795 or 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, WAC 197-11-880 provides:

"Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, to prevent an imminent threat of serious environmental deregulation, shall be exempt. Agencies may specify these emergency actions in their procedures"

; and

WHEREAS, on April 4, 2011, the City of Spokane, under Ordinance No. C 34697, adopted an ordinance relating to airfield overlay zones, adopting a new chapter 17C.180, and a new SMC section 17C.210.085 to title 17C Land Use Standards of the Spokane Municipal Code; and

WHEREAS, pursuant to Chapter 14.702 (Airport Overlay) of the Spokane County Zoning Code establishes development standards to the described conical areas, approach areas, and accident potential zones indicated on the official Spokane County Zoning Maps; and

WHEREAS, implementation of City of Spokane Ordinance No. C 34697 on January 1, 2012 resulted in new airfield overlay zones for Spokane International Airport and Fairchild Air Force Base within the West Plains annexation area and for Felts Field. Said airfield overlay zones, as identified in Ordinance No. C 34697, were developed in consultation with WSDOT Aviation Division and have the effect of creating five airport land use compatibility zones (ACZ) that are based on WSDOT Aviation Division guidelines and further based on federal aviation accident data from the National Transportation Safety Board (NTSB) and these regulations are

inconsistent with the development standards of Chapter 14.702 Airport Overlay zone of the Spokane County Zoning Code; and

WHEREAS, implementation of City of Spokane Ordinance No. C 34697 has the effect of created airport land use compatibility zones (ACZ) within the City of Spokane annexation areas in the West Plains that are inconsistent with the development standards of Chapter 14.702 Airport Overlay zone of the Spokane County Zoning Code and within the West Plains/Thorpe Urban Growth Area/Joint Planning Area with the City of Spokane and unincorporated Spokane County thereby creating conflicting development standards in similar zoning and land use designations within the West Plains/Thorpe Urban Growth Area/Joint Planning Area with respect to permitted land uses, land use densities, building height, and said inconsistency impacts economic development opportunities in the subject area with the possibility of allowing encroachment of incompatible land uses in proximity to Spokane International Airport and Fairchild Air Force Base; and

WHEREAS, the above sections of the Zoning Code for Spokane County do not adequately regulate land use and development in areas subject to the Spokane County Airport Overlay zone such as to require land use and development to be consistent with the WSDOT Aviation Division Guidelines and City of Spokane Ordinance No. C 34697; and

WHEREAS, on November 22, 2011 (See Resolution #11-11061) the Board of County Commissioners of Spokane County adopted an Interim Zoning Ordinance establishing at 150' building height for the Light Industrial (LI) zone under the Spokane County Zoning Code and an Interim Airport Overlay Zone that implements City of Spokane Ordinance C 34697 with amendments, applicable to Spokane International Airport, Fairchild Air Force Base, and unincorporated Spokane County; and

WHEREAS, subsequent to its adoption in Resolution #11-1061, the Interim Zoning Ordinance was affirmed for an additional six months by subsequent Resolutions #12-0049, 12-0371, 12-0866, 13-0315, 13-0927, and 14-0313 which expired October 8, 2014; and

WHEREAS, by Board Resolution # 13-0256, Spokane County adopted and implemented a maximum building height of 150' in the Light Industrial (LI) zoning designation, causing it to be consistent with the City of Spokane Airfield Overlay zones, for the purpose of ensuring consistent development regulations within the West Plains/Thorpe Urban Growth Area/Joint Planning Area; and

WHEREAS, on May 1, 2012 (see Resolution No. 12-0344) the Board of County Commissioners adopted a new chapter of the Spokane County Zoning Code for a Fairchild Air Force Base Overlay Zone that includes accident potential zones, height restrictions, noise impact areas/noise reduction, and military influence areas to implement recommendations of the 2010 JLUS Study for Fairchild Air Force Base; and

WHEREAS, adoption of the new Fairchild Air Force Overlay Zone under Board of County Commissioners Resolution No. 12-0344 has the effect of replacing and rendering moot the text and map provisions of the Interim Zoning Ordinance adopted by the Board of County Commissioners on November 22, 2012 (Resolution No. 11-1061) and as affirmed by Board of County Commissioners on January 10, 2012 (Resolution No. 12-0049), May 8, 2012 (Resolution No. 12-0371), October 24, 2012 (Resolution No. 12-0866), March 26, 2013 (Resolution No. 13-0315), and October 8, 2013 (Resolution No. 13-0927); and

WHEREAS, adoption of the proposed amendment to the Spokane County Zoning Code regarding a new chapter for a Fairchild Air Force Base Overlay Zone required codification of the proposed amendment to the numbering sequence for each chapter of the Zoning Code, more specifically Chapter 14.702 Airport Overlay Zone, as well as revising Chapter 14.702 to be consistent with the airport overlay zones adopted by the City of Spokane in Ordinance No. C-34697 to ensure consistent development standards within the West Plains/Thorpe UGA/JPA; and

WHEREAS, on February 5, 2013 (see Resolution No. 13-0045) the Board of County Commissioners adopted a codified chapter of the Spokane County Zoning Code for the Fairchild Air Force Base Overlay Zone as Chapter 14.705A; and

WHEREAS, on November 15, 2012, the Spokane County Planning Commission held a public hearing to consider proposed text amendments to the Spokane County Airport Overlay Zone, Chapter 14.702, applicable to Spokane International Airport, Felts Field and Deer Park Airport and the Planning Commission's recommendation on the proposed text amendment dated December 13, 2012 were forwarded to the Board of County Commissioners for their receipt and consideration; and

WHEREAS, the Board of County Commissioners have not taken action on the Planning Commission's December 13, 2012 recommendations regarding text amendments to Chapter 14.702, Airport Overlay Zone, of the Spokane County Zoning Code; and

WHEREAS, on March 18, 2013 (see Resolution No. 13-0256) the Board of County Commissioners adopted an amendment to the Spokane County Zoning Code to prohibit residential use in the Light Industrial (LI) Zone, and to allow a maximum building height of 150' in the Light Industrial (LI) Zone; and

WHEREAS, the above sections of the Zoning Code for Spokane County do not adequately regulate land use and development in areas subject to the Spokane County Airport Overlay zone that are consistent with the WSDOT Aviation Division Guidelines and City of Spokane Ordinance No. C 34697 as implemented; and

WHEREAS, if the County were to begin public consideration of permanent regulations and amendments without first adopting an Interim Zoning Ordinance, those involved in the process of land use development could frustrate effective land use planning by submitting applications for Comprehensive Plan amendments, zone reclassifications, variances, conditional use permits, building permits, and establishing and uses, which would be inconsistent with the regulations adopted by the City of Spokane, and the applicable Goals and Policies of the Spokane County Comprehensive Plan that are intended to protect Spokane International Airport and Fairchild Air Force Base from encroachment by incompatible land uses and inconsistent with the Growth Management Act RCW 36.70A; and

WHEREAS, if the Board were to advertise its intent to impose new regulations concerning the Airport Overlay Zone the number of application for Comprehensive Plan amendments, zone reclassifications, variances, conditional use permits, and building permits that would occur prior to adoption of amendments to the Airport Overlay Zone would possibly undermine the Board's ability to regulate such activity; and

WHEREAS, if an Interim Zoning Ordinance is not invoked, the filing of applications during the time necessary to adopt amendments to the Spokane County Airport Overlay zone it

is likely to impact effective long-range planning and result in the status quo not being preserved during consideration of amendments to the Airport Overlay Zone for Spokane County; and

WHEREAS, it is in the best interest of the public health, safety and welfare to adopt the City of Spokane Airfield Overlay Zone standards, as specified in Ordinance No. C 34697 as amended in Unincorporated Spokane County until such time as Spokane County can revise its Airport Overlay zone to be consistent with the City of Spokane Airfield Overlay zone standards that are consistent with the WSDOT Aviation Division guidelines. This action will further public health, safety and welfare in that it will further facilitate development in the area subject to the action thus furthering the County's economic development public purpose consistent with responsible planning; and

WHEREAS, this measure is necessary to preserve the county's ability to effectuate long-range planning decisions and to plan in a comprehensive manner; and

WHEREAS, County staff estimates the completion of reviews and amendments described above, and the preparation and adoption of new requirements, between six (6) months and one (1) year; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this resolution is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Spokane County, pursuant to the provisions of RCW 36.32.120(6), RCW 36.70.795, RCW 36.70A.390, RCW 36.70A.130, and WAC 197-11-880, that the Board declares an emergency and in doing so, does adopt AN INTERIM ZONING ORDINANCE. The INTERIM ZONING ORDINANCE will adopt:

- 1) The City of Spokane Airfield Overlay zone, as specified in Ordinance No. C 34697, a copy of which is attached hereto as Attachment "A" and incorporated herein by reference, applicable to Spokane International Airport an unincorporated area of Spokane County, Attachment "A" also includes the map entitled "Airfield Overlay Zones & Spokane County Zoning; and
- 2) Table 17C. 180-1 of the City of Spokane's Municipal Code as modified, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference, as it applies to Vulnerable Occupant Uses in the Airfield Noise Zone (ANZ)

BE IT FURTHER RESOLVED that the Board of County Commissioners adopts each and every recital herein above to support the above action and additionally the Board does:

- 1) Direct the staff of the Spokane County Division of Building and Planning, together with the Spokane County Planning Commission to expeditiously review existing regulations, to include those adopted herein, and proposed any regulations deemed appropriate to serve the public health, safety and welfare in the unincorporated areas of Spokane County.
- 2) Direct the Spokane County Division of Building and Planning to schedule and give proper notice of any hearings and meetings held under (1) above consistent with applicable regulations;

- 3) Determine to hold a public hearing on the interim zoning ordinance within sixty (60) days of the adoption of this resolution;
- 4) Acknowledge that the interim zoning ordinance adopted herein may be effect for not more than six (6) months, but may be effective for up to one (1) year if a work plan is developed for a longer period;
- 5) Acknowledge that the interim zoning ordinance may be renewed for one or more six (6) month periods if subsequent public hearing is held and findings of fact are made prior to each renewal.

BE IT FURTHER RESOLVED that the adoption of the interim zoning ordinance is exempt from the requirements of the threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-880.

BE IT FURTHER RESOLVED that the effective date of the interim zoning ordinance shall be 2:18 p.m. on October 14, 2014.

PASSED AND ADOPTED this 14th day of October, 2014.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON



ATTEST:

Dinna Vasquez Obo
Daniela Erickson
Clerk of the Board

Al French
AL FRENCH, CHAIR

Todd Mielke
TODD MIELKE, VICE -CHAIR

Shelly O'Quinn
SHELLY O'QUINN, COMMISSIONER

NO. 2014-0805

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING AN)
INTERIM AIRPORT OVERLAY ZONE) **NOTICE OF ADOPTION AND NOTICE OF**
APPLICABLE TO SPOKANE) **TIME FRAME FOR APPEAL PURSUANT**
INTERNATIONALAIRPORT AND) **TO RCW 36.70A.290**
UNINCORPROAZTEED SPOKANE)
COUNTY)

NOTICE IS HEREBY GIVEN, by the Board of County Commissioners of Spokane County, Washington ("Board") pursuant to RCW 36.70A.290, that on Tuesday, October 14, 2014, the Board executed Resolution No. 14-0805 ("Resolution"). That Resolution was entitled:

No. 14-0805

IN THE MATTER OF ADOPTING AN)
INTERIM AIRPORT OVERLAY ZONE)
APPLICABLE TO SPOKANE) **RESOLUTION**
INTERNATIONALAIRPORT AND)
UNINCORPROAZTEED SPOKANE)
COUNTY)

NOTICE IS FURTHER GIVEN, by the Board of County Commissioners of Spokane Washington, pursuant to RCW 36.70A.290, that an appeal of the above reference Resolution must be filed within 60 days after publication of this notice. The date of publication of this notice is October 18, 2014. The deadline for filing an appeal is December 16, 2014.

BY ORDER OF THE BOARD this 14th of October, 2014.



Ginna Vasquez
Ginna Vasquez, Deputy Clerk of the Board

Vasquez, Ginna

From: Vasquez, Ginna
Sent: Friday, October 17, 2014 10:53 AM
To: legals@spokesman.com
Cc: Emacio, James
Subject: Notice for Publication SIA Interim
Attachments: SIAInterim doc.docx

Importance: High

Good morning Ruth and Joni:

Please publish attached Notice for Saturday, October 18, 2014.

Have a wonderful weekend!!

Ginna