



Spokane County Building & Planning

Zoning Text Amendment

Staff Report for ZTA-04-2024

Aug 13, 2024

Proposal

The proposal is a text amendment to the Spokane County Zoning Code. The amendment and proposal would create a new section 14.830 as well as amendments to 14.300.100, 14.616.220, and 14.616.240. This change would allow commercial wind energy facilities as a conditional use in small and large tract agricultural zones. The zoning text amendment would accommodate commercial wind energy facilities in a way that balances the needs of creating renewable energy sources and new technologies with the preservation of community aesthetics and the protection of the natural environment. This amendment would allow farmers and agricultural landowners an additional revenue stream.

Background

Renewable energy sources are becoming an increasingly important source of energy production in the state of Washington. The State of Washington will give applicants three pathways for siting and permitting commercial scale windfarms. The State of Washington Energy Facility Site Evaluation Council (RCW 80.50), the Washington State Department of Ecology through the Clean Energy Coordinated Permit Process pursuant to (House Bill 1216), and the local permitting process. For Spokane County to be better able to protect the health, safety, and well-being of its population, it is necessary for Spokane County to have development regulations on the siting and permitting of commercial scale windfarms.

After review of the Spokane County Zoning Code, it was clear that Spokane County does not have a permitting process, to site commercial wind energy facilities. Spokane County needs to implement development regulations for commercial wind energy facilities so that Spokane County can have more agency and discretion in permitting and siting process as an alternative to state siting. Due to this reasoning, Spokane County staff has deemed it necessary to implement a permitting process for commercial wind energy facilities. Therefore, Spokane County staff has deemed it necessary to implement a zoning text amendment on the said issue.

Environmental ReviewExisting Spokane County Zoning Code Language

There is no language for permitting or siting a commercial wind energy facility in the Spokane County Zoning Code. Spokane County has no process for the permitting and siting of a commercial wind energy facility.

In Chapter 14.300.100 Definitions, “Tower” is defined as, “A structure not enclosed with exterior walls, and which extends more than 75 feet above grade or which exceeds the maximum building height for the zone in which it is located. Public utility structures used for the distribution or transmission of electricity are excluded from this definition, but structures used for energy production are included (e.g., wind tower). Structures less than the above-stated height standard shall be considered accessory structures. It does not include the Wireless Communication Antenna Array or Wireless Communication Support Tower.”.

The lack of text in the Spokane County Zoning Code demonstrates the need for a zoning text amendment that would permit commercial wind energy facilities as a conditional use.

Staff Analysis

Section 14.402.040

The county may amend the Zoning Code when, at a minimum, **one** of the following standards applies:

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to public welfare.
2. A change in economic, technological, or land use conditions that has occurred to warrant modification of the Zoning Code.
3. An amendment is necessary to correct an error in the Zoning Code.
4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

Staff Comment:

The proposal must meet the above standards to obtain approval. Staff believes that ZTA-04-2024 meets the requirements of Section 14.402.040(1) of the Spokane County Zoning Code as the amendment is consistent with the Comprehensive Plan and is not detrimental to public safety. Staff also believes that the zoning text amendment is consistent with Section 14.402.040(2) of the Spokane County Zoning Code as commercial wind energy facilities have become more economically viable and are becoming a more common use. Staff also believes that the zoning text amendment meets Section 14.402.040(5) of the Spokane County Zoning code as commercial wind energy systems were not previously mentioned in the Spokane County Zoning Code.

Comprehensive Plan Review

The Spokane County Board of County Commissioners is charged with the evaluation of the proposed amendment and whether the proposal is consistent with the Spokane County Comprehensive Plan Goals and Policies. After reviewing the comprehensive plan, staff has found that the zoning text amendment is consistent with the comprehensive plan and preserves and protects Spokane County's natural resource lands, including our agricultural lands. Specifically, staff has found that the ZTA is consistent with the following goals: policies:

- ED.4 Recognize that environmental quality and acknowledge that protection of the environment will contribute to economic vitality.
- ED. 4.1 Recognize that environmental quality and economic development are complementary objectives.
- ED 4.2 Encourage the recruitment of low-impact, environmentally friendly businesses.
- ED 4.3 Encourage programs that promote sustainable business practices (e.g., recycling, pollution control, solar energy, Commute Trip Reduction).

Staff Comment:

Commercial wind energy facilities would meet the requirements of ED.4, ED.4.1, and ED 4.2, and ED.4.3, because commercial wind energy facilities would be a sustainable business practice that helps reduce carbon emissions and protect local air quality. Commercial Wind Energy Facilities would also be an environmentally friendly business that complements economic development in Spokane County and further promotes economic vitality. Creating development regulations for siting and permitting Commercial wind energy facilities would have a low impact on our air quality and help improve environmental health in Spokane County.

ED.1.1 Promote a diverse marketplace that recognizes and encourages a range of cultural, social, and economic opportunities.

Staff Comment:

Commercial wind energy facilities would promote a diverse marketplace by allowing for increased renewable energy facilities in Spokane. This project would also increase further economic opportunities for farmers and agricultural landowners.

Goal

NE.35a Promote the physical, economic, and social development of Spokane County that is consistent with a good air quality and visibility.

Staff Comment:

Commercial wind energy facilities could promote economic development in Spokane County. Commercial Wind Energy Facilities could be consistent with promoting good air quality and visibility in Spokane County.

T.3g Protect airports in Spokane County from encroachment by incompatible uses.

Staff Comment:

Creating development regulations for Commercial wind energy facilities will allow staff to create requirements to protect airports from Commercial wind energy facilities. Without development regulations, Spokane County would lack autonomy to create these protective measures.

T.3j Protect the long-term viability of Fairchild Air Force Base and assure flight safety in the vicinity of the Air Force Base while protecting the public's health and safety.

Staff Comments:

Establishing development regulations for commercial wind energy facilities would allow Spokane County to create regulations that would protect Fairchild Air Force Base and would help ensure flight safety from commercial wind energy facilities.

CR. 1.5 Review of land actions should be sensitive and give consideration to the protection of cultural resources.

Staff Comment

In the conditional use application process, conditions will be imposed on the applicant. The applicant will be required to complete a cultural resources survey in areas that will be temporarily or permanently disturbed. Creating these development regulations for commercial wind energy facilities would help ensure that consideration of cultural resourced during the development process.

ED.3.11 Protect the integrity and continued viability of military installations located within Spokane County by discouraging incompatible uses.

Staff Comment

The proposed development regulations will set requirements for the applicant to consult with Fairchild Air Force Base. The applicant will also be required to provide sufficient evidence to persuade the Hearing Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than any other outright permitted uses in the applicable zoning district. Creating these development regulations will give Spokane County the agency to protect the viability of military installations by discouraging incompatible uses.

- 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.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.3.5 The primary land use activities on natural resource lands are commercial forest management, agriculture, and mineral extraction and those uses that maintain, enhance, or have insignificant impact on the long-term management of designated natural resource lands.
- NR.3.6 Land use activities within or adjacent to natural resource land should be sited and designed to minimize conflicts with resource-related activities.

Staff Comment:

Creating development regulations for commercial wind energy facilities would allow for Spokane County to create the conditions that would preserve and protect natural resource lands, and help ensure the adequate supply, long-term conservation, and wise stewardship of natural resources. The siting of commercial wind energy facilities could disrupt natural resource activities.

RL.4 Preserve and protect agricultural and forestry activities throughout the rural area.

Staff Comment:

Creating Development Regulations for Commercial Wind Energy Facilities may help protect and preserve agricultural and forestry activities throughout the rural areas.

Staff Comment:

PO.5 Encourage the multiple uses of open spaces and wildlife corridors.

PO.6.2 Review development proposals to evaluate opportunities for multiple uses of proposed open space.

PO.6.3 Encourage multiple uses of open space for passive recreation, wildlife habitat, natural resource uses and rural residential development, consistent with maintaining other open space uses.

NE.11 Consider the multiple uses of open space and wildlife corridors for other uses, as recommended by qualified wildlife managers, such as utility corridors when conflicts do not exist or can be mitigated.

Staff Comment:

Commercial wind energy facilities could be an additional use in open space and wildlife corridors.

Conclusion

Due to an increase in economic demand for commercial energy wind facilities there is an urgent need for development regulations to help protect the rural economy as well as the health, safety, and well-being of the public. This proposal could bring increased economic opportunities for farmers on resource lands who may lease their land for development. There will also be an increase in economic opportunities for the public during the construction and decommissioning of the commercial energy wind facilities.