

# CHAPTER 10

## ESSENTIAL PUBLIC FACILITIES ELEMENT

### INTRODUCTION

The Growth Management Act (GMA) requires all local comprehensive plans include a process for identifying and siting essential public facilities, and prohibits local comprehensive plans or development regulations from precluding the siting of essential public facilities.

Essential Public Facilities are defined in the GMA, as follows:

*Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes and secure community transition facilities as defined in RCW 71.09.020. (RCW 36.70A.200)*

State agencies must comply with local comprehensive plans and development regulations. In December 2002, Skagit County only accounted for 2 of the 172 Special Commitment Center residents. Due to the low offender rate, the LaConner regulations cannot be preempted even though the Town is submitting an Essential Facilities Plan after 2001<sup>1</sup>.

Skagit County has an Essential Facilities chapter in the County Comprehensive Plan establishing a process and siting criteria within Skagit County so that:

- Essential public facilities shall not be excluded from the County;
- Public process with quantifiable information will be provided for; and
- Land use and review processes will provide adequate information for evaluating proposed facility sites.

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<sup>1</sup> DSHS, in RCW 71.09.342, can, however, preempt local plans and development regulations in order to site a community transitional facility in any County, which has committed 5 or more persons to the Special Commitment Center or failed to implement an essential facilities plan by April 2001.

An essential public facility may include facilities owned by the government or a private entity.

The LaConner Uniform Development Code contains an array of definitions relating to essential public facilities. These definitions include: adult family home; convalescent or nursing home; domiciliary care; housing for people with functional disabilities; people with functional disabilities; rest homes; nursing homes and homes for the elderly; retirement homes; retirement apartments; and supportive living arrangements. As a community, the Town recognizes the need address to problems or specials needs generated within our community.

The needs mentioned above can be placed into the following four definitions:

- ***Secure Community Transition Facility:*** A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under RCW 71.09. A Secure Transition Facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. These facilities include, but are not limited to, the facilities established pursuant to RCW 71.90.250 and any community based facilities established under RCW 71.09 and operated by DSHS or under contract to DSHS.
- ***Community Residential Facility:*** Any dwelling licensed, certified or authorized by State, Federal or local authorities as a residence for children or adults with physical; developmental or mental disabilities; dependent children or elderly individuals in need of supervision, support and/or independent living training; domestic violence shelters, and rape relief shelters. Does not include halfway houses, or secure community transition facilities.
- ***Community Treatment Facility:*** Any dwelling or building licensed, certified or authorized by State, Federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems, needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway houses, crisis residential centers or secure community transition facilities.
- ***Public Service Facility:*** Any building or infrastructure essential to government services provided by the Town of LaConner to the public (i.e. schools, police and fire service). This does not include facilities within the public right-of-ways.

## **GOALS AND POLICIES**

### **GOAL A**

*To follow the process and siting criteria in Appendix A and not prohibit or exclude the siting of essential public facilities.*

#### **Policies**

- 10A-1** The Town recognizes the need to provide essential facilities in proportion to the needs of its citizens.

### **GOAL B**

*To ensure that the siting of essential public facilities includes and provides for extensive public processes.*

#### **Policies**

- 10B-1** Public notice should be given to the Town and its residents when an essential public facility is being considered for LaConner.
- 10B-2** Consult with affected agencies and utilities in preparing recommendations and give them an opportunity for review and comment.
- 10B-3** Convene public meetings when sites are under consideration to:
- a. Inform the Town's residents of why the facility is needed, why in LaConner, and the timelines for selecting a site and receiving citizen input.
  - b. Inform citizens when specific sites have been selected and receive citizen input.

## GOAL C

*To ensure that land use and review processes provide adequate information needed to evaluate the siting of the proposed essential facilities.*

### Policies

- 10C-1 Establish permitting criteria using parameters established in Appendix 10-A.

## GOAL D

*To ensure that the siting of essential public facilities is in conformance with the following zoning regulations:*

### Policies

- 10D-1 Secure Community Transition Facilities may be permitted as a Conditional Use outside the Historic District in Commercial and Industrial Zones only.
- 10D- 2 Community Residential Facilities may be permitted as a Conditional Use in Residential and Commercial Zones only.
- 10D-3 Community Treatment Facilities may be permitted as a Conditional Use outside the Historic District in Commercial Zones only.
- 10D-4 Public Service Facilities may be a permitted use in a Public Zone and a Conditional Use in all other zones outside of the public right-of-ways.

## Appendix 10-A

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The following issues will serve as a basis to establish criteria for site selection of essential public facilities:

Specific facility requirements:

- Identify the characteristics of the facility that make it difficult to site.
- Identify security plans and mitigation needed to protect persons and neighbors
- Nature or conditions of the occupants should be defined with particular attention to the extent they pose a hazard
- Size of facility and number of occupants
- Minimum acreage needed
- Accessibility
- Transportation and service needs/requirements
- Supporting public service needs
- Health and safety
- Site design
- Zoning
- Availability of alternate sites

Impacts of the facility:

- Land use compatibility
- Land use and development in adjacent and surrounding areas
- Zoning in surrounding areas
- Present and proposed population density of surrounding areas
- Environmental impacts and opportunities to mitigate
- Effect on agricultural, forest or mineral lands, critical areas, and historic, archaeological and cultural sites
- Effect on the likelihood of associated development
- Effect on public costs, including operating and maintenance
- Existing Comprehensive Plan designations for the surrounding area